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PART IV.

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.R. 6215—Regis., dated Bangalore, 12th December 1951.

exercise of the powers conferred by Section 78 of the Indian Registration Act, 1908 (Central Act XVI of 1908) and in supersession of Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration Fees be revised, as in the Schedule appended, with effect from 1st January 1952.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

SCHEDULE

Table of Registration Fees under section 78 *of the Indian Registration Act*, 1908.

The registration fees payable to the several offices of registration in Mysore shall be as follows :—

I. (*a*) For registration of documents in Books 1 and 4—

	Rs.	a.	p.
(1) When the value does not exceed Rs. 10.	0	5	0
(2) When the value exceeds Rs. 10 but does not exceed Rs. 25	0	7	0
(3) When the value exceeds Rs. 25 but does not exceed Rs. 50	0	9	0
(4) When the value exceeds Rs. 50 but does not exceed Rs. 75	0	14	0
(5) When the value exceeds Rs. 75 but does not exceed Rs. 100	1	2	0
(6) When the value exceeds Rs. 100 but does not exceed Rs. 150	1	11	0
(7) When the value exceeds Rs. 150 but does not exceed Rs. 200	2	4	0
(8) When the value exceeds Rs. 200 but does not exceed Rs. 250	2	13	0
(9) When the value exceeds Rs. 250 but does not exceed Rs. 300	3	6	0
(10) When the value exceeds Rs. 300 but does not exceed Rs. 500	3	15	0
(11) When the value exceeds Rs. 500 but does not exceed Rs. 750	4	8	0
(12) When the value exceeds Rs. 750 but does not exceed Rs. 1,000	5	10	0
(13) When the value exceeds Rs. 1,000 but does not exceed Rs. 2,500— For the first thousand as under sub-clause (12) and for every 500 or part thereof in excess of Rs. 1,000....	1	2	0
(14) When the value exceeds Rs. 2,500 but does not exceed Rs. 5,000— For the first 2,500 as under sub-clause (13) and for every 500 or part thereof in excess of Rs. 2,500.	1	11	0

	Rs.	a.	p.
(15) When the value exceeds Rs. 5,000— but does not exceed Rs. 25,000— For the first 5,000 as under sub-clause (14) and for every 1,000 or part thereof in excess of Rs. 5,000.	2	4	0
(16) When the value exceeds Rs. 25,000 but does not exceed Rs. 50,000— For the first 25,000 as under sub-clause (15), and for every 1,000 or part thereof in excess of Rs. 25,000.	2	13	0
(17) When the value exceeds Rs. 50,000— For the first 50,000 as under sub-clause (16), and for every 1,000 or part thereof in excess of Rs. 50,000.	3	6	0

(*b*) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken,

(*c*) The provisions of sections 5, 6, 20, 21, 23 and 25 of the Mysore Stamp Act, 1900 (II of 1900) shall apply *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(*d*) In the case of leases the value is taken—

(1) at the total rent for the whole term when the lease is for periods not exceeding one year;

(2) at the average annual rent when the lease is for periods exceeding one year;

(3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment, quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(*e*) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(*f*) In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as, for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0, provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactions incapable of valuation the Inspector-General of Registration may, if he considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which shall not in any case be less than five annas.

(*g*) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is duly registered :—

Same fee as for the principal or primary mortgage.

(*h*) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document :—

Ad valorem fee as per Article I(a), subject to a maximum of Rs. 2-4-0.

(*i*) For a duplicate or counterpart of a document if registered at the same time as the original, Re. 0-5-0 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-5-0 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(*j*) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article I (*a*).

(*k*) For Registration of an Adoption deed :—

(Whether or not the deed refers to immovable property to which the adoptee becomes entitled). } Rs. 11-4-0.

II. For registration of Wills and Authorities to adopt—

(*a*) Opening a sealed cover and entering the contents in Book 3.

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(*b*) Will or Authority to adopt presented open :—

Rs. 11-4-0 : Provided that in the case of Wills in which the value of the property dealt with is mentioned and that value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article I (*a*).

III. Sealed Covers (Book 5.)—

(*a*) For deposit and entry in Book 5 of a sealed cover purporting to contain a Will	Rs.	3	6	0
(*b*) Withdrawal of any such cover	Rs.	3	6	0

IV. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked, subject to a maximum of Rs. 5-10-0.

V. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under section 30 (1) by any District Registrar and Rs. 10 when registered

by any District Registrar under section 30 (2) : Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable: Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid as above, and such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

VI. (*a*) (1) Memorandum under sections 64, 65, 66 and 67 .... Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof .... Re. 0 5 0

(*b*) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-5-0 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VII. (*a*) (i) Search for or inspection of a single entry or document—

For the first year in the books of which search is made for each entry or document	....	Rs. 1 2 0
For every other year in the books of which search is continued for each entry or document	....	Re. 0 5 0

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.—

For the first year in the books of which search is made	....	Rs. 2 4 0
For every other year in the books of which search is continued	....	Re. 0 9 0

Note.—(1) The rates mentioned above are subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will

be treated as fresh application and the higher fees of Rs. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

(3) Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are specified in the application for the copy.

(4) The Inspector-General of Registration may, in his discretion, remit in part the fee leviable under this article when it appears to him that the levy of the full fee would result in hardship.

VIII. (1) (*a*) Granting certified copies or extracts from registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words.—

Re. 0-4-0 whether in English or Kannada.

(*b*) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(*c*) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the High Court of Mysore for the grant of copies in Civil Courts.

Note.—(1) Every figure, initial or abbreviation shall count as a word for the purpose of calculating the number of words.

(2) Officers of the Government of India or of any State Government who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas, if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of applicant or when the applicant présents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charges shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

IX. Powers of Attorney.—

	Rs.	a.	p.
(1) Registering a Power of Attorney	5	10	0
(2) Attesting a Special Power of Attorney	1	2	0
(3) Attesting a General Power of Attorney	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

X. For filing translation .... Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 .... No Fee.

XI. (1) Issue of commission or attendance at a private residence or Jail.

(*a*) For registration of one or more documents executed by one and the same individual, or (*b*) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or (*c*) For the attestation of one or more Power-of-Attorney executed by one and the same individual. (*d*) For the examination of one and the same individual under Section 33 or 38.	Rs. 11 4 0. Besides ordinary fee and travelling allowance.

(2) For the services of a woman if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. T. 5914—R.T. 144-50-9, dated Bangalore, 26th December 1951.

The draft of the following further amendments to the Mysore Motor Vehicles and Road Traffic Rules, 1945, which it is proposed to make in exercise of the powers conferred by Section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), is hereby published for the information of all persons likely to be affected thereby as required by Section 133 of the said Act.

2. The draft will be taken into consideration on or after the 15th January 1952.

3. Objections or suggestions, if any, to the proposed draft amendments may be forwarded to the Secretary to the Government of Mysore, Local Self-Government Department, Old Public Offices, Bangalore, so as to reach him before the aforesaid date.

Draft Amendments.

1. In Rule 272 of the Mysore Motor Vehicles and Road Traffic Rules, 1945,

(1) in sub-rule (a) after the words, "any police officer in uniform not below the rank of Sub-Inspector" the words "or any officer of the Central Excise Department in uniform not below the rank of Inspector" shall be inserted, and for the words "the police officer", the words, "the said officer" shall be substituted.

(2) in sub-rule (b) for the words "the police officer" the words "the police officer or the officer of the Central Excise Department, as the case may be," shall be substituted, and for the words "the police officer has", the words "the said officer has" shall be substituted.

2. In Rule 273 of the said Rules, after the words "any police officer in uniform" the words "or any officer of the Central Excise Department in uniform not below the rank of Inspector" shall be inserted.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

NOTIFICATION.

No. L.D. 1781—Legis. 60-51-1, dated Bangalore, the 29th—31st December 1951.

Ordered that the accompanying Mysore Appropriation No. 4 Act, 1951, which received the assent of His Highness the Maharaja, on the 22nd day of December 1951 be published as Mysore Act No. XXXVII of 1951, in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

MYSORE ACT No. XXXVII OF 1951.

THE MYSORE APPROPRIATION No. 4 ACT, 1951.

Received the assent of His Highness the Maharaja on the 22nd day of December 1951.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two; Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Mysore Appropriation No. 4 Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of One hundred and thirty-three lakhs, fifty-four thousand and four hundred and twenty-five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule. Issue of Rupees 1,33,54,425 out of the Consolidated Fund of the State for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two. Appropriation.

SCHEDULE.

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly	Sums not exceeding Charged on the consolidated fund
1	2	3	4
	A. Expenditure met from Revenue.	Rs.	Rs.
7	13 Other Taxes and Duties ...	2,130	...
8	18 Other Revenue Expenditure financed from ordinary Revenue	17,50,000	...
9	19 Construction of I.N.E. and D. Works	50,000	...
10	22 Interest on Debt and other obligations	5,000	...
11	25 General Administration ...	46,070	2,00,000
13	25 Do do	46,000	...
14	27 Administration of Justice ...	22,500	...
16	29 Police	1,10,000	...
28	47 Miscellaneous Departments ...	1,40,290	...
29	50 Civil Works	14,22,600	...
29-A	54 Famine Relief	100	...
31	55 Superannuation Allowances and Pensions	37,500	...
32	56 Stationery and Printing ...	83,635	...
33	57 Miscellaneous	1,72,000	...
37	XXXII. Industries and Supplies(a) Industries—Working Expenses	88,000	...
38	XLI. Receipts from Electricity Schemes-Working Expenses	10,00,000	...
	B. Capital outlay not met from Revenue.		
40	68 Construction of I.N.E. and D. Works outside the Revenue Accounts	9,00,000	...
42	72 Capital Outlay on Industrial Development	3,600	...
45	85-A Capital Outlay on Provincial Schemes of State Trading	20,00,000	...
	Public Debt.		
45-A	N. Public Debt—Discharged ...	...	51,00,000
	C. Disbursement of Advances and Loans.		
46	Advances and Loans	1,75,000	...
	Total ...	80,54,425	53,00,000

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. M. 17759—G.M. 12-51-11, dated Bangalore, 28th December 1951.

In exercise of the powers conferred by Section 7 of the Indian Christian Marriage Act, 1872, (Central Act XV of 1872), His Highness the Maharaja of Mysore is pleased to appoint Sri Henry Dyer, Mission Quarters, Malavalli, to be a Marriage Registrar for Mandya District.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. I. 4287—Ind. 180-51-4, dated Bangalore, 19th December 1951.

In exercise of the powers vested in them under Rule 6 of the Rules framed under the Mysore Sugar Factory Sugarcane Cess Rules, 1949, the Government of Mysore are pleased to specify Rs. 6 (Rupees six only) per ton as the rate of Cess leviable for the year 1951-52.

By Order of His Highness the Maharaja,

R. G. REGO,
Secretary to Government,
Development Department.

No. L.S. 3798—L.W. 244-51-2, dated Bangalore, the 24th December 1951.

WHEREAS an Industrial dispute exists between the Management of the Mysore Chemicals and Fertilizers Ltd., Belagola, and the workers employed by them in respect of the matters specified in the schedule below;

AND WHEREAS in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said dispute for adjudication;

NOW THEREFORE in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore here by directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

(1) Providing sufficient number of latrines for the use of employees and arranging for medical examination of workers.

(2) Withdrawal of memo regarding certain staff holding supervisory and confidential positions.

(3) Payment of Bonus of 40 per cent to the workers commencing from the year 1947-48.

(4) Enhancement of Dearness allowance to workers from 1st January 1948.

(5) Enhancement of the basic pay of workers by 50 per cent.

(6) Grant of promotions and grade to workers based on seniority of service and avoiding importing of fresh hands for new posts.

(7) Management to be responsible for collection of membership subscription from the salary of employees who are members of the Labour Association.

(8) Revision of Provident Fund Rules; treating Canteen employees as employees of the Company; payment of clothing allowance of Rs. 5 per mensem to each employee; payment of conveyance allowance to workers coming from Belwadi Village and supply of Coffee and biscuits to mid-night shift employees.

(9) Payment of duty and locality allowance.

(10) Effecting amendment to clause 7 of the Standing Orders.

(11) Effecting amendment to clause 8 of the Standing Orders.

(12) Reinstatement of Sri M. Lakshmipathi, L.E.E., as the Labour Welfare Officer.

(13) Constitution of an impartial Tripartite Committee for looking into the various causes for the break-down of mechanical and electrical machineries.

(14) Management to furnish financial and production statistics of the company every month.

(15) Demanding production of memo issued to Sri Lakshmipathi regarding duties and obligations as Labour Welfare Officer and right for reversion as Electrical Operator, on termination.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.D. 7627—C. 81-51-4, dated Bangalore, 20th—21st December 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act No. XXIV of 1946), read with the Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950, as amended by Notification dated 21st July 1951 and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to make the following Order, namely :—

1. This Order may be called "The Licensing of Food Distribution Order, 1951."

2. It extends to the whole of Mysore State and shall come into force immediately.

3. In this Order, unless there is anything repugnant in the subject or context :—

(*a*) "foodgrain" means foodgrains specified in Schedule I to this Order and includes its derivatives and foodgrain in husk ;

(*b*) "form" means a form set forth in Schedule II to this Order ;

(*c*) "Government" means the State Government ;

(*d*) "distribution" means distribution according to the directions issued from time to time by the local Food Authority, subject to the General Orders of Government ;

(*e*) "Local Food Authority" means the Rationing Officer or the Assistant Rationing Officer of the area, where such Officers are appointed, and the Amildar or Special Sheristedar, in other areas.

4. No person shall engage in any undertaking which involves the purchase, sale or storage for sale, of any foodgrains except under and in accordance with a license issued in that behalf by the Director of Food Supplies or by any Officer authorised by him in this behalf (hereinafter called "the Licensing Authority"):

Provided that this rule shall not apply to any undertaking by or on behalf of Government.

5. Licences issued under this Order shall be in the form set forth under Schedule II to this Order and shall specify the full particulars of the locality at which the licensee should carry on the licensed undertaking.

6. Every licensee shall pay an initial fee of Rs. 10 and renewal fee of Rs. 2 per year, in addition to such security deposit for the proper performance of the various conditions of the licence, as may be prescribed by the Licensing Authority.

7. No Licensee shall contravene any of the conditions of the licence. If a Licensee contravenes any of the said conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled and his security deposit forfeited by the Licensing Authority.

8. Any Officer authorised by the Director of Food Supplies in this behalf, may enter upon and inspect any premises in which he has reason to believe that the purchase, sale or storage for sale of any foodgrains is contrary to the provisions of this Order.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

SCHEDULE I.

Articles of Foodgrains.

1	Paddy	4	Wheat	7	Navane
2	Ragi	5	Milo	8.	Save
3	Jola, other than Vagaru Jola, and Kaki Jola.	6	Maize	9	Sajje

SCHEDULE II.

Form (*See Clause 5*).

THE LICENSING OF FOOD DISTRIBUTION ORDER, 1951.

Licence for purchase, sale or storage for sale of foodgrains.

Subject to the provisions of the Licensing of Food Distribution Order, 1951, and to the terms and conditions of the licence, ... is/are hereby authorised to purchase, sell or store for sale the various foodgrains supplied to him/them by Government.

2. The Licensee shall carry on the aforesaid business at the following place (s):—

Door No. .....
Street .....
Division .....

3. The Licensee shall draw such quantities of foodgrains as offered to him from the Government godowns on payment of the price at the rates intimated by the supplying officer and shall render necessary accounts therefor by maintaining such registers relating to the account of stock and issue of foodgrains, as prescribed from time to time by the local food authorities. The Licensee shall be entitled to free transport to his place of business from the Government godowns and also to a commission prescribed by Government.

4. The Licensee shall sell foodgrains to holders of cards or coupons assigned to his shop only on production of such cards or coupons on such scale at such intervals and at such rates as fixed from time to time by the Licensing Authority in this behalf. Each such sale should be covered by a receipt to be issued in the prescribed form and should be noted in the ration card or coupon produced for drawing the grain.

5. The Licensee shall send to the Licensing Autho ity periodically, such returns as may be prescribed from time to time by the Licensing Authority.

6. The Licensee shall prominently display at each of the places mentioned in paragraph (2) above, a correct list written in the language of the locality of the stocks of different foodgrains on hand and their respective issue prices.

7. The Licensee shall give all facilities at all reasonable times to any officer authorised by the Director of Food Supplies for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage or sale of any of the foodgrains mentioned in paragraph 1 and for the taking of samples of such foodgrain for examination.

8. The Licensee shall comply with any direc'ions that may be given to him by the Officer issuing this licence in regard to the purchase, sale or storage for sale of any of the foodgrains mentioned in paragraph 1 and in regard to the language in which Registers, Returns, Receipts or Invoices mentioned in paragraphs 3 to 6 shall be written.

9. The Licensee shall be personally responsible for the stocks supplied to him and should render accounts for these stocks correctly. The Licensee will be liable to prosecution in the event of misappropriation of stocks by him or by any of his employees.

10. It shall be the endeavour of the Licensee to keep his shop well supplied with all types of the different foodgrains generally in demand by the holders of cards assigned to his shop.

11. This License is valid for one year from this day and the Licensee should get it renewed at the end of a year, on payment of the prescribed renewalfee.

Signature of the Licensee.

Date.....

Signature and Designation of the Officer issuing the Licence.

No. S. D. 7597—C. 32-51-93, dated Bangalore, 21st December 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946), read with the Government of India, Ministry of Food Notification No. S. R. O. 703, dated 4th October 1950, as amended in their Notification No. C.G. 603 (3)—XXI (1), dated 21st July 1951, and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Articles of Food Acquisition (Harvest) Order, 1949, published in Notification No. S.D. 4054—C. 73-49-4, dated 21st November 1949, namely :—

"For the word 'Jola' wherever it occurs in the said order, the words 'Jola other than Vogaru Jola and Kaki Jola' shall be substituted".

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

ERRATA.

1. After Notification No. S. R. 6215—Regis., insert "18-51-3" dated 12th December 1951.

2. On page 581, under item (i), line 3 "part"

3. On page 585, under item (2), add the word Note as follows: "Note—(2)"

4. On page 587 under item (7), sub-item (*f*) private attendance, add" (*a*) issue of Commission"

5. Item (*g*) be substituted for item (*h*) under item (7) on page 587.

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

(2) When in the course of attendance at a private residence a registering officer is required to record in respect of the same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with, without the levy of any additional fee.

XII. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to make an examination.

XIII. For the safe custody and return of documents,—

For each month or part of a month, during which a registered document is left unclaimed in a registration office, after the expiration of one month from the date of registry (to be paid before delivery of the document), five annas per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIV. (1) On all documents registered, if containing more than 300 words, an additional fee at the rate of five annas per 100 words or fraction of 100 words is charged for the number above 300.

(2) If a document tendered for registration has one or more schedules appended to it, they are charged for at the above rate according to the aggregate number of words contained in them.

(3) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.—

	Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100 including schedules ...	0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0

		Rs.	a.	p.
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(d) In all other cases	....	4	8	0
(e) Searches		Nil		
(f) Certified copies for every 100 words or part thereof	....	0	2	0
(g) Attesting Power-of-Attorney	....	0	5	0
(h) Private attendance	....	2	4	0
(i) Issue of commission	....	2	4	0
(j) Mileage to Registering Officers or others per mile	....	0	2	0

(4) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Mysore Co-operative Societies Act or by an officer or member of such a society and relating to the business thereof half the fee.

(5) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules for the time being in force made by the State Government published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913.—

		Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	....	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(d) In all other cases	....	4	8	0
(e) Searches		Nil		
(f) Certified copies for every 100 words or part thereof	..	0	2	0
(g) Attesting Power-of-Attorney	....	0	5	0
(h) Private attendance	....	2	4	0
(i) Issue of commission		2	4	0
(j) Mileage to Registering Officers or others per mile	....	0	2	0

(6) For Registration, etc., of instruments executed by or on behalf of or in favour of His Highness Sri Jaya Chamarajendra Wadiyar Bahadur, Maharaja of Mysore. .... Nil

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(7) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.—

	Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100	0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(*c*) Searches	Nil		
(*d*) Certified copies for every 100 words or part thereof	0	2	0
(*e*) Attesting Power-of-Attorney	0	5	0
(*f*) Private attendance	2	4	0
(*g*) Issue of commission	2	4	0
(*h*) Mileage to Registering Officers or others per mile	0	2	0

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PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1102—Legis. 4-51-52, dated Bangalore, 20th September 1951.

Ordered that the Tariff Commission Act, 1951 (Central Act No. L of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 14th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 14th September, 1951.

The following Act of Parliament received the assent of the President on the 12th September, 1951 and is hereby published for general information :—

THE TARIFF COMMISSION ACT, 1951,

No. L OF 1951.

An Act to provide for the establishment of a Tariff Commission and to regulate its duties and functions.

[12*th September*, 1951]

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.—(*1*) This Act may be called the Tariff Commission Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires—

(a) "Commission" means the Tariff Commission established under this Act ;

(b) "chairman" means the chairman of the Tariff Commission ;

(c) "member" means a member of the Tariff Commission and includes the chairman of the Commission ;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) "regulations" means the regulations made by the Commission under section 25.

CHAPTER II.

ESTABLISHMENT OF THE TARIFF COMMISSION.

3. Constitution of a Tariff Commission and appointment of chairman thereof.—For the purposes of this Act, the Central Government shall establish a Tariff Commission which shall consist of not less than three, but not exceeding five, whole-time members appointed by the Central Government, and one of them shall be nominated by the Central Government to be the chairman thereof :

Provided that the Central Government may, as often as may be necessary, appoint not more than two additional members on the Commission for such purpose and period and on such conditions as it thinks fit.

4. Qualifications for membership of the Commission.—The persons to be appointed as members of the Commission shall be men of ability and standing who have shown capacity in dealing with problems relating to commerce or industry or in administration or who have special knowledge in any matter as renders them suitable for appointment on the Commission.

5. Disqualifications for membership.—(1) No person shall be qualified for appointment as, or for continuing to be, a member of the Commission if he has directly or indirectly any such financial or commercial interest in any industry or undertaking as is likely to affect him in the discharge of his duties as a member of the Commission.

(2) The appointment as a member of the Commission of any person who is a Member of Parliament or of the Legislature of any State shall be void unless within one month of the date of his appointment he ceases to be such Member and if any member of the Commission is elected as a Member of Parliament or of any State Legislature, he shall cease to be a member of the Commission as from the date of such election.

(3) Every member shall whenever required by the Central Government so to do, furnish to it such information as it may require for the purpose of securing compliance with the provisions contained in sub-section (1).

6. Conditions of service of members of the Commission.—(1) Every whole-time member of the Commission shall hold office for a period of three years from the date of his appointment:

Provided that a member relinquishing his Office on the expiry thereof shall be eligible for reappointment for a second period of three years.

(2) There shall be paid to the members of the Commission such salaries and allowances as may be determined by the Central Government :

Provided that such salaries and allowances shall not be varied to the disadvantage of a member after his appointment.

(3) A member of the Commission ceasing to hold office as such shall not hold any appointment in any private industry or undertaking for a period of three years from so ceasing to hold office, save with the consent in writing of the Central Government.

7. Power of Central Government to remove members from office in certain cases.—(1) The Central Government may remove from office any member of the Commission who has been adjudged an insolvent or has been convicted of an offence involving moral turpitude, and also any member who, in the opinion of the Central Government,—

(a) has become physically or mentally incapable of acting as such member, or

(b) has so abused his position as to render his continuance in office detrimental to the public interest, or

(c) has incurred the disqualification specified in sub-section (1) of section 5.

(2) The removal of any member under sub-section (1) shall be reported, as soon as may be, to Parliament.

8. Appointment of officers and other employees of the Commission.—Subject to such rules as may be made in this behalf, the Commission may for the purpose of enabling it to efficiently discharge its functions under this Act appoint such number of officers and other employees as it may think fit and determine their conditions of service.

9. Sittings of the Commission.—(1) Subject to the regulations, the Commission may hold sittings in any part of India in such place or places as it may deem most convenient for the transaction of its business or proceedings and shall keep the minutes of its proceedings in such form as it may think fit.

(2) Sittings of the Commission shall be convened by the chairman and shall be open to the public unless the Commission in any particular case decides otherwise.

(3) The chairman shall preside at all sittings of the Commission at which he is present and in his absence from any such sitting the members present thereat shall elect one of the members to preside as chairman.

10. Vacancy not to invalidate proceedings.—No act or proceeding of the Commission shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Commission.

CHAPTER III.

FUNCTIONS OF THE COMMISSION.

11. Reference of matters relating to protection of industries generally to the Commission.—The Central Government may refer to the Commission for inquiry and report any matter requiring in its opinion—

(a) the grant of protection (whether by the grant of subsidies or the levy of protective duties or in any other suitable form) for the encouragement of any

industry in India (including any industry which has not started production but which is likely to do so if granted suitable protection);

(*b*) an increase or decrease in the duties of customs or other duties in relation to any industry for the protection thereof;

(*c*) action to be taken in relation to the dumping of goods in the market occasioned by excessive import or otherwise;

(*d*) action to be taken where an industry is taking undue advantage of the tariff protection granted to it, particularly with reference to whether the protected industry is—

(i) charging unnecessarily high prices for its goods, or

(ii) acting or omitting to act in a manner which results in high prices being charged to consumers through limitation of quantity, deterioration in quality or inflation of cost of production and the like, or

(iii) acting in restraint of trade to the detriment of the public;

(*e*) further action to be taken in relation to the protection granted to an industry, with a view to its increase, decrease, modification or abolition according to the circumstances of the case.

12. Reference to the Commission of additional matters arising out of protection.—The Central Government may also refer to the Commission for inquiry and report any matter relating to—

(*a*) the effect of protection on—

(i) the general level of prices in the country,

(ii) the cost of living of any specified section of the community;

(iii) the different sectors of the country's economy;

(*b*) the effect of tariff concessions under trade or commercial agreements on the development of any specified industry;

(*c*) any anomalies that may result from the working of protective or revenue duties (as for example, relationship between the rates of duty on finished goods, partly finished goods and raw materials);

(*d*) the prices of particular commodities, whether protected or not.

13. Power of Commission *SUO MOTU* **to make inquiries.**—The Commission may on its own motion inquiry into and report to the Central Government on any of the matters referred to in clauses (*b*), (*c*), (*d*) and (*e*) of Section 11, or in clauses (*a*), (*b*) and (c) of Section 12.

14, Principles to be taken into account in making any inquiry under Section 11 (1) (a).—(1) In making a report in respect of any matter referred to it under clause (*a*) of Section 11, the Commission shall among other matters have due regard to—

(*a*) the cost of production or manufacture in the principal growing, producing or manufacturing regions of India of the commodity produced by the industry claiming protection and the cost which should be taken to be representative of the industry concerned;

(*b*) the approximate cost of production or manufacture in the principal growing, producing or manufacturing centres of foreign countries of the commodity which competes with the commodity produced by the industry claiming protection if the determination of such cost is necessary for the purpose of any case;

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(*c*) the approximate cost of import of any such competing commodity as is specified in clause (*b*);

(*d*) the price which may be deemed to be the representative fair selling price for growers, producers or manufacturers in India in respect of the industry claiming protection;

(*e*) the quantities of the commodity required for consumption and the quantities thereof produced in or imported into India;

(*f*) the effect of protection, if granted to an industry on other industries, including cottage and other small scale industries.

(2) On the basis of its findings on the matters referred to in sub-section (1), the Commission shall assess, for the purpose of its report,—

(*a*) the relative advantages enjoyed by the industry;

(*b*) the nature and extent of foreign competition;

(*c*) the possibility of the industry developing sufficiently within a reasonable time to be able to carry on successfully without protection;

(*d*) the likely effect of a protective tariff or other form of protection on the interests of the consumer or of industries using the commodity in question, as the case may be;

(*e*) the desirability or otherwise of protecting the industry in the public interest.

(3) In recommending the grant of protection to any industry, the Commission may specify the conditions which shall be fulfilled before and after the grant of protection, with particular reference to the following points, namely :—

(*a*) the scale of output;

(*b*) the quality of its products;

(*c*) the price charged for its products;

(*d*) the technological improvements required by the industry;

(*e*) the need for research in the process of manufacture;

(*f*) the training of officers, technicians and other persons employed in the industry;

(*g*) the use in the industry of indigenous products, whether raw or manufactured;

(*h*) the time within which an industry, in respect of which protection has been given in advance of production, should start production; and

(*i*) any other matter in respect of which the Commission considers it necessary to specify conditions.

15. Duties of the Commission.—It shall be the duty of the Commission, at such intervals as may be prescribed,—

(*a*) to investigate into the manner in which protection in relation to any industry has been working, with particular reference to—

(*i*) the cost of production of the protected commodity;

(*ii*) the scale of output of the protected industry;

(*iii*) the quality of the protected commodity;

(*iv*) the prospects of future expansion of the protected industry;

(*v*) the relative competitive position of the industry and the factors entering into it ; and

(*vi*) any other factor having a bearing on the usefulness of the industry to the country's economy ;

(*b*) to investigate into any special conditions that may have been imposed n a protected industry with particular reference to—

(*i*) the extent to which and the manner in which the obligations have been discharged,

(*ii*) the further steps that would be necessary to implement them fully,

(*iii*) the difficulties, if any, in the way of the full discharge of such obligations,

and to make a report thereon to the Central Government.

16. Action on Commission's report.—(*1*) Upon receipt of a report made to it by the Commission, the Central Government may take such action as it considers fit in respect of any of the matters dealt with in the report.

(*2*) A copy of every final report made to the Central Government, together with a report of the action taken thereon by the Central Government under sub-section (*1*), shall be laid on the table of Parliament within three months of the submission of the report to the Central Government, if Parliament is then sitting, or, if Parliament is not then sitting within seven days of its re-assembly :

Provided that when the report cannot be so laid, a statement explaining the reasons therefor shall be laid on the table of Parliament.

CHAPTER IV

MISCELLANEOUS

17. Reports and statements.—(*1*) At the end of every financial year or such earlier period as may be prescribed, the Commission shall submit a report to the Central Government containing a detailed account of its activities during the year.

(*2*) The Central Government may also call for such reports, returns or statements from the Commission from time to time as it considers necessary.

18. Appointment of assessors to help Commission in the discharge of its functions.—For the purpose of any inquiry under this Act, the Central Government may, either on its own motion and in consultation with the Commission or at the request of the Commission, appoint one or more persons possessing special knowledge of any matter relevant to the inquiry to assist the Commission.

19. Members of Commission to be public servants.—All members and officers of the Commission shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

20. Powers of the Commission.—(*1*) For the purpose of conducting any inquiry under this Act, the Commission shall have all the powers of a civil court while trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document;
(*c*) receiving evidence on affidavits;
(*d*) requisitioning any public record from any office;
(*e*) issuing commissions for the examination of witnesses.

(*2*) The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of any inquiry.

(*3*) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

21. Statements made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Commission to answer, and

(*b*) is relevant to the subject matter of the inquiry.

22. Restriction on disclosure of information.—(*1*) No information relating to any industry being information which has been obtained by or on behalf of the Commission for the purpose of its functions under this Act shall, without the previous consent in writing of the owner for the time being of that industry, be disclosed otherwise than in compliance with or for the purposes of this Act.

(*2*) Nothing in the preceding sub-section shall apply to any disclosure of information made for the purpose of any legal proceeding pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise or for the purposes of any report relating to any such proceeding.

(*3*) If any person discloses any information in contravention of this section, he shall be punishable on conviction with fine, which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

23. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any member, officer or servant of the Commission for anything which is in good faith done or intended to be done under this Act.

24. Power to make rules.—(*1*) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power rules made under this section may provide for—

(*a*) the salaries and allowances payable to members, officers and other, employees of the Commission and their conditions of service;

(*b*) the procedure to be followed before any member can be removed from office under section 7;

(*c*) the intervals within which reports under section 15 shall be made by the Commission;

(*d*) the form in which and the period within which reports under section 17 shall be submitted to the Central Government;

(*e*) the fees or allowances that may be paid to persons appointed under section 18 to assist the Commission.

25. Power to make regulations.—Subject to the provisions contained in this Act and in any rules made thereunder, the Commission may, with the previous consent of the Central Government, make regulations for the purpose of enabling it to discharge its functions under this Act, and in particular, such regulations may provide for—

(a) the procedure and conduct of business of the Commission;

(b) the terms and conditions of service of officers and other employees of the Commission;

(c) the delegation to one or more members of the Commission of such functions of the Commission as the Commission may specify.

26. Construction of references to Tariff Board in other laws.—References in the Indian Tariff Act, 19 4 (XXXII of 1934), or in any other law for the time being in force to the Tariff Board as set up under any Resolution o the Government of India shall be construed as references to the Tariff Commission established under this Act.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L D. 1522—Legis. 4-51-65, dated Bangalore, 12th November 1951.

Ordered that the Appropriation (No. 3) Act, 1951, (Central Act No. LX of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 29th October 1951.]

THE APPROPRIATION (NO. 3) ACT, 1951, (LX OF 1951).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Appropriation (No. 3) Act, 1951.

2. Issue of Rs. 28,75,82,000 out of Consolidated Fund of India for the year 1951-52.—From and out of the Consolidated Fund of India there may be paid and

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applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-eight crores, seventy-five lakhs and eighty-two thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1952.

THE SCHEDULE.

(*See* sections 2 and 3).

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	3,00,000	...	3,00,000
2	Industries	89,49,000	...	89,49,000
3	Commercial Intelligence and Statistics	3,00,000	...	3,00,000
5	Indian Posts and Telegraphs Department (including working expenses).	1,83,00,000	...	1,83,00,000
18	Ministry of External Affairs	77,000	...	77,000
19	Tribal Areas	1,30,000	...	1,30,000
20	External Affairs	33,87,000	...	33,87,000
21	Ministry of Finance	8,25,000	...	8,25,000
23	Union Excise Duties	10,00,000	...	10,00,000
24	Taxes on Income including Corporation	11,55,000	...	11,55,000
25	Opium	11,00,000	...	11,00,000
28	Audit	6,50,000	...	6,50,000
29	Joint Stock Companies	60,000	...	60,000
30	Miscellaneous Department	1,47,000	...	1,47,000
34	Miscellaneous	15,25,40,000	...	15,25,40,000
35	Grants-in-aid to States	2,58,14,000	...	2,58,14,000
37	Resettlement and Developments	10,14,000	...	10,14,000
38	Pre-partition Payments	30,00,000	...	30,00,000
40	Ministry of Food and Agriculture	3,77,000	...	3,77,000
45	Agriculture	17,44,000	...	17,44,000
46	Civil Veterinary Services	4,79,000	...	4,79,000
47	Indian Dairy Department	1,00,000	...	1,00,000
49	Medical Services	95,000	...	95,000
53	Police	5,79,000	...	5,79,000
56	Delhi	8,72,000	...	8,72,000
57	Ajmer	11,34,000	...	11,34,000
63	Administration of Justice	10,000	10,000	20,000
70	Ministry of Rehabilitation	1,82,000	..	1,82,000
71	Expenditure on Displaced Persons	4,00,00,000	...	4,00,00,000
72	Ministry of States	5,00,000	...	5,00,000
73	Territorial and Political Pensions	...	78,27,000	78,27,000
74	Kutch	1,53,000	...	1,53,000
75	Himachal Pradesh	5,73,000	...	5,73,000
77	Bhopal	4,87,000	...	4,87,000
78	Vindhya Pradesh	50,000	...	50,000
79	Manipur	1,27,000	...	1,27,000
80	Tripura	8,02,000	...	8,02,000
81	Relations with States	5,68,000	...	5,68,000
88	Supplies	2,32,000	...	2,32,000
91	Stationery and Printing	3,00,000	...	3,00,000
98	Capital Outlay on Industrial Development ...	1,000	...	1,000
100	Capital outlay on Schemes of Government Trading.	1,000	...	1,000
105	Loans and Advances by the Central Government ...	...	1,16,31,000	1,16,31,000
	Total ...	26,81,14,000	1,94,68,000	28,75,82,000

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

NOTIFICATION. 32

No. L.D. 1539—Legis. 4-51-73, dated Bangalore, 13th November 1951.

Ordered that the Plantations Labour Act, 1951, (Central Act No: LXIX of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 3rd November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

Received Assent on 2nd November 1951.

THE PLANTATIONS LABOUR ACT, 1951 (LXIX OF 1951).

AN

ACT

provide for the welfare of labour, and to regulate the conditions of work, in plantations.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Plantations Labour Act, 1951.

(2) It extends to the whole of India except the State of **Jammu and Kashmir.**

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It applies in the first instance to all tea, coffee, rubber and cinchona plantations, but any State Government may, subject to the previous approval of the Central Government, by notification in the Official Gazette, apply it to any other class of plantations within that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year ;

(*b*) "adult" means a person who has completed his eighteenth year ;

(*c*) "child" means a person who has not completed his fifteenth year ;

(*d*) "day" means a period of twenty-four hours beginning at midnight ;

(*e*) "employer", when used in relation to a plantation, means the person who has the ultimate control over the affairs of the plantation, and where the affairs of any plantation are entrusted to any other person (whether called a managing agent,

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manager, superintendent or by any other name) such other person shall be deemed to be the employer in relation to that plantation;

(*f*) "plantation" means any land used or intended to be used for growing tea, coffee, rubber, or cinchona, which admeasures twenty-five acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months, and in any State where the provisions of this Act have been applied by notification under sub-section (*4*) of section 1 to any other class of plantations, means also any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons are employed or were employed on any day of the preceding twelve months;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "qualified medical practitioner" means a person having a certificate granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916 (VII of 1916) or in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933) and also persons having certificates granted under the different State (Provincial) Medical Council Acts;

(*i*) "wages" has the meaning assigned to it in clause (*h*) of section 2 of the Minimum Wages Act, 1948 (XI of 1948);

(*j*) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be fixed by the State Government in relation to plantations in any area after such consultation as may be prescribed with reference to the plantations concerned in that area,

(*k*) "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work skilled, unskilled, manual or clerical, but does not include—

(*a*) a medical officer at the plantation;

(*b*) any person whose monthly wages exceed three hundred rupees; or

(*c*) a person employed in a plantation primarily in a managerial capacity notwithstanding that his monthly wages do not exceed rupees three hundred;

(*l*) "young person" means a person who is either a child or an adolescent.

3. Reference to time of day.—In this Act, references to time of day are references to Indian Standard time being five and a half hours ahead of Greenwich Mean time:

Provided that for any area in which the Indian Standard time is not ordniarily observed, the State Government may make rules—

(*a*) specifying the area;

(*b*) defining the local mean time ordinarily observed therein; and

(*c*) permitting such time to be observed in all or any of the plantations situated in that area.

CHAPTER II

INSPECTING STAFF

4. Chief Inspector and Inspectors.—(*1*) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector of plantations and so many duly qualified persons to be inspectors of plantations subordinate to the chief inspector as it thinks fit.

(*2*) Subject to such rules as may be made in this behalf by the State Government, the chief inspector may declare the local area or areas within which, or the plantations with respect to which, inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the State Government.

(3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (Act XLV of 1860).

5. Powers and functions of inspectors.—Subject to any rules made by the State Government in this behalf, an inspector may within the local limits for which he is appointed—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of any plantation;

(b) with such assistants, if any, as he thinks fit, enter, inspect and examine any plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Act;

(c) examine the crops grown in any plantation or any worker employed therein or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

6. Facilities to be afforded to inspectors.—Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

7. Certifying surgeons.—(1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such plantation or class of plantations as it may assign to them respectively.

(2) The certifying surgeon shall carry out such duties as may be prescribed in connection with—

(a) the examination and certification of workers;

(b) the exercise of such medical supervision as may be prescribed where adolescents and children are, or are to be, employed in any work in any plantation which is likely to cause injury to their health.

CHAPTER III.

PROVISIONS AS TO HEALTH.

8. Drinking water.—In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

9. Conservancy.—(1) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.

(2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

10. Medical facilities.—(1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers as may be prescribed by the State Government.

(2) If in any plantation medical facilities are not provided and maintained as required by sub-section (1) the chief inspector may cause to be provided and

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maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

(3) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land-revenue.

CHAPTER IV.

WELFARE.

11. Canteens.—(1) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the date by which the canteen shall be provided;

(b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(c) the food-stuffs which may be served therein and the charges which may be made therefor;

(d) the constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(e) the delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).

12. Creches.—(1) In every plantation wherein fifty or more women workers are employed or were employed on any day of the preceding twelve months, there shall be provided and maintained by the employer suitable rooms for the use of children of such women who are below the age of six years.

(2) Such rooms shall—

(a) provide adequate accommodation;

(b) be adequately lighted and ventilated;

(c) be maintained in a clean and sanitary condition; and

(d) be under the charge of a women trained in the care of children and infants.

(3) The State Government may make rules prescribing the location and the standards of such rooms in respect of their construction and accommodation and the equipment and amenities to be provided therein.

13. Recreational facilities.—The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities or the workers and children employed therein as may be prescribed.

14. Educational facilities.—Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

15. Housing facilities.—It shall be the duty of every employer to provide and maintain for every worker and his family residing in the plantation necessary housing accommodation.

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16. Power to make rules relating to housing.—The State Government may make rules for the purpose of giving effect to the provisions of section 15 and, in particular providing for—

(*a*) the standard and specification of the accommodation to be provided;

(*b*) the selection and preparation of sites for the construction of houses and the size of such plot;

(*c*) the constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions and duties in relation thereto as may be specified;

(*d*) the fixing of rent, if any, for the housing accommodation provided for workers;

(*e*) the allotment to workers and their families of housing accommodation and of suitable strips of vacant land adjoining such accommodation for the purpose of maintaining kitchen gardens, the definition of what constitutes the family of a worker for the purposes of section 15, and for the eviction of workers and their families from such accommodation;

(*f*) access to the public to those parts of the plantation wherein the workers are housed.

17. Other facilities.—The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other like amenities for the protection of workers from rain or cold as may be prescribed.

18. Welfare officers.—(*1*) In every plantation wherein three hundred or more workers are ordinarily employed, the employer shall employ such number of welfare officers as may be prescribed.

(*2*) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (*1*).

CHAPTER V

HOURS AND LIMITATION OF EMPLOYMENT

19. Weekly hours.—Save as otherwise expressly provided in this Act, no adult worker shall be required or allowed to work on any plantation in excess of fifty-four hours a week and no adolescent or child for more than forty hours a week.

20. Weekly holidays.—(*1*) The State Government may by rules made in this behalf—

(*a*) provide for a day of rest in every period of seven days which shall be allowed to all workers;

(*b*) provide for payment for work done on a day of rest at a rate not less than the overtime rate prevailing in the area, and where there is no such rate at such rate as may be fixed by the State Government in this behalf.

(*2*) Notwithstanding anything contained in clause (*a*) of sub-section (*1*) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so:

Provided that in so doing a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

Explanation 1.—Where on any day a worker has been prevented from working in any plantation by reason of tempest, fire, rain or other natural causes, that day,

may, if he so desires, be treated as his day of rest for the relevant period of seven days within the meaning of sub-section (*1*).

Explanation 2.—Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave is less than six days.

21. Daily intervals for rest.—The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.

22. Spread-over.—The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest under section 19 it shall not spread over more than twelve hours including the time spent in waiting for work on any day.

23. Notice of period of work.—(*1*) There shall be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the workers may be required to work.

(*2*) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in the plantation.

(*3*) An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the day's work.

24. Prohibition of employment of young children.—No child who has not completed his twelfth year shall be required or allowed to work in any plantation.

25. Night work for women and children.—Except with the permission of the State Government, no woman or child worker shall be employed in any plantation otherwise than between the hours of 6 A.M. and 7 P.M.

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation

26. Non-adult workers to carry tokens.—No child who has completed his twelfth year and no adolescent shall be required or allowed to work in any plantation unless—

(*a*) a certificate of fitness granted with reference to him under section 27 is in the custody of the employer ; and

(*b*) such child or adolescent carries with him while he is at work a token giving a reference to such certificate.

27. Certificate of fitness.—(*1*) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf with reference to any young person intending to work, examine such person and ascertain his fitness for work either as a child or as an adolescent.

(*2*) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(*3*) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian.

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28. Power to require medical examination.—An inspector may, if he thinks necessary so to do, cause any young person employed in a plantation to be examined by a certifying surgeon.

CHAPTER VI.

LEAVE WITH WAGES.

29. Application of Chapter.—(*1*) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service;

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this Chapter, the worker shall be entitled only to such longer leave.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 30, include weekly holidays or holidays for festivals or other similar occasions.

30. Annual leave with wages.—(*1*) Every worker shall be allowed leave with wages for a number of days calculated at the rate of—

(*a*) if an adult, one day for every twenty days of work performed by him, and
(*b*) if a young person, one day for every fifteen days of work performed by him :

Provided that a period of leave shall be inclusive of any holiday which may occur during such periods.

(*2*) If a worker does not in any one period of twelve months take the whole of the leave allowed to him under sub-section (*1*), any leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months.

(*3*) A worker shall cease to earn any leave under this section when the earned leave due to him amounts to thirty days.

31. Wages during leave period.—(*1*) For the leave allowed to a worker under section 30 he shall be paid at the rate equal to the daily average of his total full-time wages, exclusive of any overtime earnings and bonus, if any, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the concessional supply by the employer of foodgrains for the day on which he worked.

(*2*) A worker who has been allowed leave for any period less than four days in the case of an adult and five days in the case of a young person under section 30 shall, before his leave begins be paid, his wages for the period of the leave allowed.

32. Sickness and maternity benefits.—(*1*) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer—

(*a*) in the case of sickness certified by a qualified medical practitioner, sickness allowance, and
(*b*) if a woman, in the case of confinement or expected confinement, maternity allowance,

at such rate, for such period and at such intervals as may be prescribed.

(*2*) The State Government may make rules regulating the payment of sickness or maternity allowance and any such rules may specify the circumstances in which such allowance shall not be payable or shall cease to be payable, and in framing any rules under this section the State Government shall have due regard to the medical facilities that may be provided by the employer in any plantation.

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CHAPTER VII.

PENALTIES AND PROCEDURE.

33. Obstruction.—(*1*) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any plantation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

34. Use of false certificate of fitness.—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 27, a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

35. Contravention of provisions regarding employment of labour.—Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a plantation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

36. Other offences.—Whoever contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

37. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

38. Exemption of employer from liability in certain cases.—Where an employer charged with an offence under this Act, alleges that another person is the actual offender, he shall be entitled upon complaint made by him in this behalf to have, on giving to the prosecutor in this behalf three clear days' notice in writing of his intention so to do, that other person brought before the court on the day appointed for the hearing of the case and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that—

(*a*) he has used due diligence to enforce the execution of the relevant provisions of this Act; and

(b) that the other person committed the offence in question without his knowledge, consent or connivance;

the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that—

(a) the employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges to be the actual offender and by the prosecutor, and

(b) if, in spite of due diligence, the person alleged as the actual offender cannot be brought before the court on the day appointed for the hearing of the case, the court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the court, the court shall proceed to hear the case against the employer.

39. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the chief inspector and no court inferior to that of a presidency magistrate or a magistrate of the second class shall try any offence punishable under this Act.

40. Limitation of prosecutions.—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII

MISCELLANEOUS

41. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

42. Power to exempt.—The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to impose, any employer or class of employers from all or any of the provisions of this Act:

Provided that no such exemption shall be granted except with the previous approval of the Central Government.

43. General power to make rules.—(*1*) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (*3*) of section 23 of the General Clauses Act, 1897 (X of 1897) shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

(a) the qualifications required in respect of the chief inspector and inspector;

(b) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;

(c) the medical supervision which may be exercised by certifying surgeons;

(d) the examination by inspectors or other persons of the supply and distribution of drinking water in plantations;

(e) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;

(f) the time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;

(g) the types of latrines and urinals that should be maintained in plantations;

(h) the medical, recreational and educational facilities that should be provided in plantations;

(i) the form and manner in which notices of periods of work shall be displayed and maintained;

(j) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act; and

(k) the hours of work for a normal working day for the purpose of wages and overtime.

(3) All rules made under this Act shall, if made by any Government, other than the Central Government, be subject to the previous approval of the Central Government.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1709—Legis. 11-51-7, dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1842 (A), dated the 23rd November 1951 of the Ministry of Law—The High Courts (Judges) Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 23rd November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 23rd November 1951.

S.R.O. 1842(A).—The following Order made by the President is published for general information :—

C.O. 34

THE HIGH COURTS (JUDGES) ORDER, 1951

In exercise of the powers conferred by the proviso to Article 216 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the High Courts (Judges) Order, 1951.

(2) It shall come into force at once.

2. The maximum number of Judges in each High Court shall be as specified in the Table below :

TABLE

High Court	Maximum number of Judges (including the Chief Justice)
The High Court at Allahabad	24 Judges
The High Court of Assam	5 Judges
The High Court at Bombay	14 Judges
The High Court at Calcutta	20 Judges
The High Court at Madras	16 Judges
The High Court at Nagpur	10 Judges
The High Court of Orissa	7 Judges
The High Court at Patna	14 Judges
The High Court of Punjab	9 Judges
The High Court of Hyderabad	11 Judges
The High Court of Madhya Bharat	8 Judges
The High Court of Mysore	6 Judges
The High Court of Patiala and East Punjab States Union ...	5 Judges
The High Court of Rajasthan	10 Judges
The High Court of Saurashtra	5 Judges
The High Court of Travancore-Cochin	8 Judges

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV. 43

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.R. 6215—Regis., dated Bangalore, 12th December 1951.

In exercise of the powers conferred by Section 78 of the Indian Registration Act, 1908 (Central Act XVI of 1908) and in supersession of Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration Fees be revised, as in the Schedule appended, with effect from 1st January 1952.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

SCHEDULE 44

Table of Registration Fees under section 78 of the Indian Registration Act, 1908.

The registration fees payable to the several offices of registration in Mysore shall be as follows :—

I. (*a*) For registration of documents in Books 1 and 4—

	Rs.	a.	p.
(1) When the value does not exceed Rs. 10.	0	5	0
(2) When the value exceeds Rs. 10 but does not exceed Rs. 25	0	7	0
(3) When the value exceeds Rs. 25 but does not exceed Rs. 50	0	9	0
(4) When the value exceeds Rs. 50 but does not exceed Rs. 75	0	14	0
(5) When the value exceeds Rs. 75 but does not exceed Rs. 100	1	2	0
(6) When the value exceeds Rs. 100 but does not exceed Rs. 150	1	11	0
(7) When the value exceeds Rs. 150 but does not exceed Rs. 200	2	4	0
(8) When the value exceeds Rs. 200 but does not exceed Rs. 250	2	13	0
(9) When the value exceeds Rs. 250 but does not exceed Rs. 300	3	6	0
(10) When the value exceeds Rs. 300 but does not exceed Rs. 500	3	15	0
(11) When the value exceeds Rs. 500 but does not exceed Rs. 750	4	8	0
(12) When the value exceeds Rs. 750 but does not exceed Rs. 1,000	5	10	0
(13) When the value exceeds Rs. 1,000 but does not exceed Rs. 2,500— For the first thousand as under sub-clause (12) and for every 500 or part thereof in excess of Rs. 1,000....	1	2	0
(14) When the value exceeds Rs. 2,500 but does not exceed Rs. 5,000— For the first 2,500 as under sub-clause (13) and for every 500 or part thereof in excess of Rs. 2,500.	1	11	0

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	Rs.	a.	p.
(15) When the value exceeds Rs. 5,000— but does not exceed Rs. 25,000— For the first 5,000 as under sub-clause (14) and for every 1,000 or part thereof in excess of Rs. 5,000.	2	4	0
(16) When the value exceeds Rs. 25,000 but does not exceed Rs. 50,000— For the first 25,000 as under sub-clause (15), and for every 1,000 or part thereof in excess of Rs. 25,000.	2	13	0
(17) When the value exceeds Rs. 50,000— For the first 50,000 as under sub-clause (16), and for every 1,000 or part thereof in excess of Rs. 50,000.	3	6	0

(*b*) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken,

(*c*) The provisions of sections 5, 6, 20, 21, 23 and 25 of the Mysore Stamp Act, 1900 (II of 1900) shall apply *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(*d*) In the case of leases the value is taken—

(1) at the total rent for the whole term when the lease is for periods not exceeding one year;

(2) at the average annual rent when the lease is for periods exceeding one year;

(3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment, quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

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Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(*e*) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(*f*) In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as, for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0, provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactione incapable of valuation the Inspector-General of Registration may, if hs considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which shall not in any case be less than five annas.

(*g*) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is duly registered :—

Same fee as for the principal or primary mortgage.

(*h*) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document :—

Ad valorem fee as per Article I(a), subject to a maximum of Rs. 2-4-0.

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(*i*) For a duplicate or counterpart of a document if registered at the same time as the original, Re. 0-5-0 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-5-0 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(*j*) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article I (*a*).

(*k*) For Registration of an Adoption deed :—

(Whether or not the deed refers to immovable property to which the adoptee becomes entitled). } Rs. 11-4-0.

II. For registration of Wills and Authorities to adopt—

(*a*) Opening a sealed cover and entering the contents in Book 3.

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(*b*) Will or Authority to adopt presented open :— Rs. 11-4-0 : Provided that in the case of Wills in which the value of the property dealt with is mentioned and that value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article I (*a*).

III. Sealed Covers (Book 5.)—

(*a*) For deposit and entry in Book 5 of a sealed cover purporting to contain a Will	Rs. 3	6	0
(*b*) Withdrawal of any such cover	Rs. 3	6	0

IV. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked, subject to a maximum of Rs. 5-10-0.

V. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under section 30 (1) by any District Registrar and Rs. 10 when registered

by any District Registrar under section 30 (2): Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable: Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid as above, and such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

VI. (*a*) (1) Memorandum under sections 64, 65, 66 and 67 .... Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof .... Re. 0 5 0

(*b*) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-5-0 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VII. (*a*) (i) Search for or inspection of a single entry or document—

For the first year in the books of which search is made for each entry or document	....	Rs. 1 2 0
For every other year in the books of which search is continued for each entry or document	....	Re. 0 5 0

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.—

For the first year in the books of which search is made	....	Rs. 2 4 0
For every other year in the books of which search is continued	....	Re. 0 9 0

Note.—(1) The rates mentioned above are subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches respectively.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will

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be treated as fresh application and the higher fees of Rs. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

(3) Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are specified in the application for the copy.

(4) The Inspector-General of Registration may, in his discretion, remit in part the fee leviable under this article when it appears to him that the levy of the full fee would result in hardship.

VIII. (1) (*a*) Granting certified copies or extracts from registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words.—

Re. 0-4-0 whether in English or Kannada.

(*b*) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(*c*) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the High Court of Mysore for the grant of copies in Civil Courts.

Note.—(1) Every figure, initial or abbreviation shall count as a word for the purpose of calculating the number of words.

(2) Officers of the Government of India or of any State Government who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas, if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charges shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

IX. Powers of Attorney.—

	Rs.	a.	p.
(1) Registering a Power of Attorney	5	10	0
(2) Attesting a Special Power of Attorney	1	2	0
(3) Attesting a General Power of Attorney	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

X. For filing translation .... Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 ... ... No Fee.

XI. (1) Issue of commission or attendance at a private residence or Jail.

(*a*) For registration of one or more documents executed by one and the same individual, or (*b*) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or (*c*) For the attestation of one or more Power-of-Attorney executed by one and the same individual. (*d*) For the examination of one and the same individual under Section 33 or 38.	Rs. 11 4 0. Besides ordinary fee and travelling allowance.

(2) For the services of a woman if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons

who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

(2) When in the course of attendance at a private residence a registering officer is required to record in respect of the same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with, without the levy of any additional fee.

XII. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to make an examination.

XIII. For the safe custody and return of documents,—

For each month or part of a month, during which a registered document is left unclaimed in a registration office, after the expiration of one month from the date of registry (to be paid before delivery of the document), five annas per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIV. (1) On all documents registered, if containing more than 300 words, an additional fee at the rate of five annas per 100 words or fraction of 100 words is charged for the number above 300.

(2) If a document tendered for registration has one or more schedules appended to it, they are charged for at the above rate according to the aggregate number of words contained in them.

(3) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.—

	Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100 including schedules ...	0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0

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		Rs.	a.	p.
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(d) In all other cases	....	4	8	0
(e) Searches		Nil		
(f) Certified copies for every 100 words or part thereof	....	0	2	0
(g) Attesting Power-of-Attorney	....	0	5	0
(h) Private attendance	....	2	4	0
(i) Issue of commission	....	2	4	0
(j) Mileage to Registering Officers or others per mile	....	0	2	0

(4) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Mysore Co-operative Societies Act or by an officer or member of such a society and relating to the business thereof half the fee.

(5) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules for the time being in force made by the State Government published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913.—

		Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule .	....	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(d) In all other cases	....	4	8	0
(e) Searches		Nil		
(f) Certified copies for every 100 words or part thereof	..	0	2	0
(g) Attesting Power-of-Attorney	....	0	5	0
(h) Private attendance	....	2	4	0
(i) Issue of commission	...	2	4	0
(j) Mileage to Registering Officers or others per mile	....	0	2	0

(6) For Registration, etc., of instruments executed by or on behalf of or in favour of His Highness Sri Jaya Chamarajendra, Wadiyar Bahadur, Maharaja of Mysore. .... Nil

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(7) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.—

		Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100		0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(*c*) Searches	....	Nil		
(*d*) Certified copies for every 100 words or part thereof	....	0	2	0
(*e*) Attesting Power-of-Attorney	....	0	5	0
(*f*) Private attendance	....	2	4	0
(*g*) Issue of commission	....	2	4	0
(*h*) Mileage to Registering Officers or others per mile	....	0	2	0

NOTIFICATION.

No. L.D. 1568—Legis. 5-51-72, dated Bangalore, 20th November 1951.

Ordered that the Marking of Heavy Packages Rules, 1951 (S.R.O. 1670, dated the 29th October 1951 of the Ministry of Transport) published in the *Gazette of India*, Part II, Section 3, dated the 29th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF TRANSPORT.

NOTIFICATION.

MERCHANT SHIPPING.

New Delhi, the 29th October 1951.

S.R.O. 1670.—In exercise of the power conferred by section 5 of the Marking of Heavy Packages Act, 1951 (XXXIX of 1951), the Central Government hereby makes the following Rules, namely :—

1. Short title and commencement.—(1) These Rules may be called the Marking of Heavy Packages Rules, 1951.

(2) They shall come into force on the 1st day of November 1951.

2. Manner of Marking of Heavy Packages.—(1) The gross weight on a heavy package shall be marked thereon in the English and the regional language with a kind of paint which is not easily effaceable.

(2) Where a heavy package is of a light colour, black paint shall be used and where the package is of a dark colour, white or yellow paint shall be used.

3. Gross weight to be marked in metric tons, kilogrammes, maunds or pounds.—Subject to the provisions of Rule 7, the gross weight of a heavy package shall be marked thereon in metric tons, kilogrammes, standard pounds or standard maunds.

4. Place of marking.—The gross weight shall be marked on two sides of a heavy package so that in whatever position the package is placed, the marking is easily visible.

5. Size of letters or figures.—Every letter or figures used to mark the gross weight of a heavy package shall be at least three inches in length and one quarter of an inch in breadth.

6. Manner of packing.—(1) The goods in a heavy package shall be securely packed in a strong covering in such manner that there is no movement of the goods inside the package or any danger of the disintegration of the goods or the covering.

(2) The covering shall be of such material and nature as can stand the strain of the package being handled during the course of loading or unloading so that the risk of any injury to persons who handle the package is minimised.

7. Marking of approximate weight in certain circumstances.—Where at the place from where a heavy package is consigned there are no means available for determining the correct weight of the package, the anticipated minimum and maximum weight of the package in metric tons, kilogrammes, standard pounds or standard maunds shall be marked thereon in the manner herein before specified :

Provided that such anticipated maximum weight shall be so assessed that it does not fall below the actual weight of the package.

Illustration.—Where the anticipated minimum weight of a package is one ton and the anticipated maximum weight two tons, the package shall be marked thus :

"Between one and two metric tons."

[No. 81-M.A.(1)/48.]

H.C. SARIN, Dy. Secy.

NOTIFICATION.

No. C. 1426—C.O. 26-51-3, dated Bangalore, 29th December 1951.

Ordered that the accompanying Notification No. S.R.O. 1618, dated the 20th October 1951, of the Government of India, Ministry of Commerce and Industry, issued under the Cotton Control Order, 1950, be re-published in the *Mysore Gazette*, for the information of the general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

Bombay, the 20th October 1951.

S.R.O. 1618.—In exercise of the powers conferred on me by sub-clause (1) of clause 3 of the Cotton Control Order, 1950, I hereby fix the maximum and the minimum prices at which Indian Cotton of the 1951-52 season may be sold or purchased as under:—

1. These prices shall take effect as soon as contracts relating to Indian Cotton of the 1951-52 season are permitted by me under clause 6 of the said order.

2. Subject to the other provisions hereinafter contained the minimum and maximum prices of cotton of the descriptions specified in columns 1 and 2 of the schedule annexed to this notification (Preamble referred to as the schedule) shall be as specified in columns 3 and 4, respectively, of the said schedule; provided that where cotton which is the subject-matter of a contract, is of a quality either inferior or superior to the basic quality referred to in columns 1 and 2 of the said schedule, the minimum or the maximum prices shall be decreased or increased as the case may be by an amount specified in columns 5 to 7 of the said schedule.

3. (1) The prices specified in the schedule are in Rupees per candy of 784 lbs. nett for delivery in full-pressed bales ex-seller's godown Bombay, and include ¼ per cent brokerage payable by the seller to the buyer and the usual sample and stone allowance.

(2) The minimum and maximum prices for delivery at any place other than Bombay shall be the prices specified in the schedule less a sum equivalent to the railway freight from the place of origin to Bombay and Rs. 10 per candy *plus* the sum, if any, equivalent to the railway freight from the place of origin to the place of delivery to the buyer and Rs. 10 per candy.

(3) The maximum prices specified in paragraph 2 and sub-paragraphs (1) and (2) of paragraph 3 shall be increased, where the sale is directly to a manufacturer by 1-1/4 per cent thereof, and where the sale is directly to an 'A' Class licensee, by 3/4 per cent, thereof.

(4) The maximum and minimum prices specified in paragraph 2 and sub-paragraphs (1) and (2) of paragraph 3 shall be decreased by Rs. 25 per candy when the subject-matter of the contract is ginned (that is, unpressed) cotton.

(5) Where cotton which is the subject-matter of a contract is loose cotton obtained by opening a full-pressed bale and does not exceed 30 lbs. in weight, the maximum prices specified in paragraph 2 and sub-paragaphs (1) and (2) of paragraph 3 shall be increased by 12½ per cent, thereof.

(6) The minimum prices fixed under this notification shall not apply to any cotton which is inferior in class or staple to that for which "off" allowances are specified in columns 5 and 6 of the schedule.

(7) Nothing in this notification shall apply to a contract of sale for purposes of export by an exporter with an overseas buyer or his agent or by a grower or middleman with an exporter or his agent.

A certificate from the Textile Commissioner to the effect that the contract entered into is for the purposes of export, shall be conclusive evidence of that fact.

4. In the schedule.

(*a*) "Jarilla" means cotton recognised as such and grown in the Nasik. East and West Khandes (excluding Nawapur Taluka), Sholapur and Ahmednagar Districts and Baramati Taluka in the Poona District of the Bombay State; States of Madhya Pradesh, Madhya Bharat, Bhopal and Hyderabad; and includes "Verum", "M.P. Cambodia", "M.B. Cambodia" "M.B. Upland", "107-3", "Gaorani (Bani)", "Malvi" and "H. 420". It also includes "Buri American", "Parbhani American," and "Gaorani 6 and 12" notwithstanding that they do not conform to the description contained in 14 provisos to clauses (w), (x) and (y), respectively, of this paragraph.

(*b*) "Vijay" means cotton recognised as such and grown in the Kaira, Baroda Broach (excluding Ankleshwar Taluka), Sabar Kantha, Ahmedabad Daskroi, Dehgam and City Talukas and Panch Mahal Districts and Nandurbar Taluka of the West Khandesh District of the Bombay State; and includes "B.D. 8". "B. 9", Nandurbar Surti" and "Talod Surti" and "Dehgam 1027".

(*c*) "Surat" means cotton recognised as such and grown in the Surat District, Ankleshwar Taluka of Broach District and Nawapur Taluka of the West Khandesh District of the Bombay State; and includes "Rajpipla" and "Nawapur 1027".

(*d*) "Punjab American 4F" means cotton recognised as such and grown in the State of the Punjab and Patiala and East Punjab States Union and includes "Udaipur Americans" grown in the Udaipur Division of Rajasthan.

(*e*) "Punjab American LSS" means cotton recognised as such and grown in the States of Punjab, Patiala and East Punjab States Union and in the Bikaner Division of the State of Rajasthan.

(*f*) "Punjab American 289F" means cotton recognised as such and grown in the States of Punjab and the Patiala and East Punjab States Union and includes "Punjab American 216F" and "Punjab American 320F".

"Punjab American 216F" grown in the Karnal and Hissar Districts of the Punjab State and in the Madras State; and "Punjab American 320F" grown in the Ferozepore, Jullundur and Ludhiana Districts of the

Punjab State will, however, be excluded provided they have a minimum staple length of 7/8" and comply with the proviso given at the end of this paragraph.

(g) "Coompta" means cotton recognised as such and grown in the Dharwar, Belgaum, Bijapur, North Satara, South Satara, Sholopur and Kolhapur Districts of the Bombay State, State of Mysore and Raichur Protected Area in the Raichur District of the Hyderabad State; and includes "Jaywant", "R.K. 19 (Coompta)", and "Bagalkot".

It also includes "Jayadhar" and "Mysore American M.A. 5" which do not conform to the de cription contained in the provisos to clauses (h) and (i) respectively, of this paragraph.

(h) "Jayadhar" means cotton recognised as such and grown in the Dharwar, Belgaum, Bijapur, South Satara and Kolhapur Districts of the Bombay State provided the area in which the cotton has been grown has been protected under the Cotton Transport Act, 1923 (Act III of 1923), and the seeds required for sowing have been duly approved and supplied by the Agricultural Department of that State and the produce has been certified by the same Department as being "Jayadhar".

(i) "Mysore American M.A. 5" means cotton recognised as such and grown in the Hassan, Mysore, Shimoga, Chikmagalur and Chitaldrug Districts of the Mysore State. This cotton will, however, be excluded provided it has a minimum staple length of 15/16" and complies with the proviso given at the end of this paragraph.

(j) "Western" means cotton recognised as such and grown in the Bellary, Kurnool (Pathikonda Taluk), Ananthapur and Cuddapah Districts of the Madras State; and Gulbarga and Raichur District (excluding Raichur Protected Area) of the Hyderabad State; and includes "White Northerns", "Red Northerns", "Hagari 1 (Western Farm)" and "Nandyal 14".

(k) "Upland" means cotton recognised as such and grown in the places specified for "Coompta variety of cotton": and includes "Athani Cambodia", "Dharwar-American Gadag 1", and "Laxmi". "Laxmi" will, however, be excluded provided it has a minimum staple length of 15/16" and complies with the proviso given at the end of this paragraph.

(l) "Cambodia" means cotton recognised as such and grown in the North Arcot, South Arcot, Coimbatore, Salem, Tiruchirappalli, Mathurai, Ramanathapuram, Tirunelveli, Chittor and Chingleput Districts of the Madras State; and includes "Avanashi", "Cambodia 7682", "Cambodia C. O. 3", "Cambodia 4463" and "Cambodia C.O. 4" (including "C.O.4/B. 40" or "Cambodia Uganda 1") otherwise known as "Rajapalayam".

(m) "Cambodia C.O. 4" (including "C.O. 4/B. 40" or "Cambodia Uganda 1") otherwise known as "Rajapalayam" means cotton recognised as such and grown as an irrigated summer crop in the Ramanathapuram, Mathurai, South Arcot and Tirunelveli Districts; and as a rain-fed or irrigated winter crop in the Coimbatore, Salem, Tiruchirapalli, South Arcot, Mathurai and Ramanathapuram and as an irrigated crop in the State of Bombay. This cotton will, however, be excluded provided it has a minimum staple length of 1" and complies with the proviso given at the end of this paragraph.

(n) "Karunganni" means cotton recognised as such and grown in the Coimbatore, Mathurai, Ramanathapuram, Tirunelveli, South Arcot, Salem, Tiruchirapalli, Tanjore, Malabar and South Kanara Districts of

the Madras State; and the Mysore District of the Mysore State; and includes "Tinnevelly", "Salems (Nadam, Bourbon and Uppam)", "Karunganni K. 2" and "Karunganni K. 5".

(o) 'Dhollera' means cotton recognised as such and grown in the Saurashtra and Kutch States and Kaira, Mehsana, Amreli, Sabar Kantha, Banaskantha and Ahmedabad (excluding Daskroi, Dehgam and City Talukas) Districts of the Bombay State; and includes "Cutch", "1027", "Kadi/Viramgaon", "Kadva", "Wagotar", "Vagad", "Pratap", and "Lalio". It also includes "Kalyan" which does not conform to the proviso contained in the definition of such cotton in item (p) of this paragraph.

(p) "Kalyan" means cotton recognised as such and grown in the Ahmedabad and Mehsana Districts of the Bombay State and in Saurashtra State provided the area in which the cotton is grown has been protected under the Cotton Transport Act, 1923 (Act III of 1923), and the seeds required for sowing have been duly approved and supplied by the Department of Agriculture of that State and the produce has been certified by the same Department as being "Kalyan".

(q) "Kalagin" means cotton recognised as such and grown in the Saurashtra State.

(r) "Bengal Deshi" means cotton recognised as such and grown in the State of Patiala and East Punjab States Union, the Punjab, Uttar Pradesh, Bihar, Rajasthan and Ajmer.

(s) "Oomra Deshi" means cotton recognised as such and grown in the Madhya Pradesh and Hyderabad States and Sholapur, Ahmednagar, Nasik and East and West Khandesh Districts of the Bombay State.

(t) "Mathia" means cotton recognised as such and grown in the Saurashtra State and Amreli District of the Bombay State; and "Mungari" means cotton recognised as such and grown in the Bellary, Anantapur and Cuddapah Districts and Pattikonda Taluka of the Kurnool District of the Madras State and Kharif cotton grown in Raichur (excluding the Raichur Protected Area) and Gulbarga Districts of the Hyderabad State.

(u) "C.P.I" and "C.P.II" respectively means cotton recognised as such and grown in the State of Madhya Pradesh (excluding Nimar and Hoshangabad Districts) and Adilabad District of the Hyderabad State.

(v) "Central India Cotton" means cotton recognised as such and grown in the Madhya Bharat and Bhopal States, and includes "Malvi".

(w) "Buri American" means cotton recognised as such and grown in the Nimar, Akola, Amraoti and Wardha Districts of the Madhya Pradesh State, Madya Bharat State, Kotah Division of the Rajasthan State and in the State of Ajmer provided all such areas have been protected under the Cotton Transport Act, 1923 (Act III of 1923) or any corresponding Law and includes "Bari 107", "Indore 1" and "Buri 0394".

"Buri 0394" grown in the Burhanpur Tehsil of the Nimar District of the Madhya Pradesh State will, however, be excluded provided it has a minimum staple length of 29/32" and complies with the proviso given at the end of this paragraph.

(x) "Parbhani American" means cotton recognised as such and grown in the Northern Talukas of the Aurangabad District and Western Highland Talukas of the Adilabad District of the Hyderabad State, provided such areas have been protected under the Hyderabad Cotton Cultivation and Transport Act, and the seeds for sowing have been duly approved and

supplied by the Department of Agriculture of that State and the produce has been certified by the same Department as being "Parbhani American."

(y) "Gaorani 6 and 12" means cotton recognised as such and grown in the Nanded, Bidar and Parbhani Districts, Latur Taluka of the Osmanabad District, and Nirmal Taluka of the Adilabad District of the Hyderabad State provided that such areas have been protected under the Hyderabad Cotton Cultivation and Transport Act, and the seeds for sowing have been duly approved and supplied by the Department of Agriculture of that State and the produce has been certified by the same department as being "Gaorani 6 and 12".

Proviso.—The varieties of cotton to which this Proviso applies under the foregoing provisions should comply with the following conditions:—

(i) the cotton has been grown in an area which is a "Protected Area" under the Cotton Transport Act, 1923 or any corresponding Act;

(ii) the seeds required for sowing such cotton in the relevant areas should have been duly approved and supplied by the Department of Agriculture of the State concerned;

(iii) the crop of such cotton should have been rogued and off-types removed; and

(iv) the ginning and pressing of the crop of such cotton should have been done under the supervision of the Department of Agriculture of the State concerned and a certificate of purity issued by the said Department for the pressed bales.

SCHEDULE

Description of cotton season 1951-52.	Basic staple length inches	Basic minimum price Rs. per candy	Basic maximum price Rs. per candy	"Off" and "On" Allowance for Class other than Basic Class.					"Off" Allowances for staple below basic staple		"On" Allowances for staple above the basic staple.			
				Good	Fully Good	Fine	Super Fine	Extra Super Fine	2/32"	1/32"	1/32"	2/32"	3/32"	4/32"
(1)	(2)	(3)	(4)	(5)					(6)		(7)			
							Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jarilla	25/32"	495	830	...	5	Basic	5	15	40	20	20	45	...	...
Vijay	25/32"	565	925	...	5	"	5	10	45	20	20	45	70	100
Surat	7/8"	655	1020	...	5	"	5	10	50	25	20	45	70	100
P/Am 4F R.G.	3/4"	525	850	...	5	"	5	10	40	20	20	45	...	...
P/Am 4F S G.	3/4"	555	870	...	5	"	5	10	40	20	20	45	...	...
P/Am L.S.S R.G.	13/16"	585	920	...	5	"	5	10	45	20	20	45	70	...
P/Am L.S.S.G.	13/16"	605	940	...	5	"	5	10	45	20	20	45	70	...
P/Am 289 F R.G.	7/8"	675	1000	...	5	"	5	10	50	25	20	45	70	100
P/Am 289F S.G.	7/8"	705	1030	...	5	"	5	10	50	25	20	45	70	100
Compts	7/8"	645	990	...	5	"	5	10	50	25	20	45	...	...
Western	13/16"	555	890	...	5	"	5	10	45	20	20	45	...	...
Upland	13/16"	575	885	...	5	"	5	10	45	20	20	45	...	...
Cambodia	7/8"	675	1045	...	5	"	5	15	60	30	40	65	90	120
Karunganni...	13/16"	575	935	...	5	"	5	10	50	25	20	45	70	100
Dhollera	3/4"	...	780	...	5	"	5	10	40	20	20	45	...	...
Kalagin	3/4"	...	780	...	5	"	5	10	40	20	20	45	...	...
Bengal Deshi	...	...	645	40	Basic	20	40	60	...	...	...	...	...	...
Oomra Deshi	...	...	680	...	5	Basic	0	40	...	...	...	...	...	...
Mathia and Mungari	...	...	680	..	5	"	20	40	...	...	...	...	...	...
C.P.I. & II	5/8"	...	720	...	5	"	5	15	40	20	20	45	...	...
Central India Cotton	5/8"	...	695	..	5	"	5	15	40	20	20	45	...	...
Buri American	7/8"	625	940	...	5	"	5	10	50	25	20	45	...	...
Parbhani American	7/8"	625	940	...	5	"	5	10	50	25	20	45	...	...
Gaorani 6 and 12	7/8"	625	990	...	5	"	5	10	50	25	20	45	...	...
Jayadhar	27/32"	615	1015	...	5	"	5	10	40	20	20	45	...	...
Kalyan	25/32"	510	870	...	5	"	5	10	40	20	20	45	...	...

NOTE.—In the case of cottons specified below, if they conform to the proviso given at the end of paragraph 4 of this Notification and if they have been grown in areas reserved by the Agricultural Department of the State concerned for the purposes of procuring pure seed, the basic maximum prices specified in column 4 above shall be deemed to be increased by the amounts shown below, namely,—

(i) H. 420	Rs. 80 per candy over Jarilla of column 1.
(ii) Jayadhar	Rs. 50 per candy over Jayadhar of column 1.
(iii) Karuganni K. 2, K. 5	Rs. 50 per candy over Karunganni of column 1.
(iv) Gaorani 6, 12	Rs. 50 per candy over Gaorani 6 and 12 of colum 1.

No. CX2(16)/COO/1.

T. SWAMINATHAN, Textile Commissioner,

No. 44 (25)-CT(A)/51.

S. A. TECKCHANDANI, Under Secy.

Printed by the Director of Printing, Stationery and Publications
Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

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CORRIGENDUM.

No. L. 10471—C.M. 27-51-11, dated Bangalore, the 31st December 1951.

In Notification No. L. 10343—C.M. 27-51-10, dated 28th December 1951, published as a Gazette Extraordinary, dated 28th December 1951, for the words 'the Mysore Town Municipalities Act' occurring in line 2 of para 3, read " the Mysore City Municipalities Act, 1933".

By Order of His Highness the Maharaja,

NOTIFICATIONS.

No. L. 10749—Ml. 82-51-12, dated Bangalore, 4th January 1952.

In exercise of the powers conferred by Section 65 read with Section 208 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) and in supersession of all rules issued under Section 64-A (3) of the Mysore Town Municipalities Act, 1933, His Highness the Maharaja of Mysore is pleased to make the following rules for regulating the collection of the duty on transfers of immovable property, the payment thereof to the Municipal Councils, and the deduction of any expenses incurred by the Government in the collection thereof.

RULES.

1. The transfer duty imposed under sub-clause (xiii) of clause (*b*) of Section 61 and Section 65 of the Mysore Town Municipalities Act, 1951, on instruments of sale, gift and mortgage of immovable property situated within the limits of any Town Municipality where the levy of surcharge has been sanctioned by Government, executed after the introduction of the above duty, shall be paid and recovered in the same manner and under the same proce-

dure as the ordinary duty imposed on such instruments by the Mysore Stamp Act, 1900.

2. (i) Whenever any instrument referred to in Rule 1 is presented before the Registering Officer, he shall see whether the particulars referred to in Section 27 of the Mysore Stamp Act, 1900 are set forth separately in the instrument in respect of the property situated within the limits of the said Municipality as required by Section 65 of the Mysore Town Municipalities Act, 1951.

(ii) If the said particulars be not so separately set forth in any such instrument, the said officer must impound it and forward it to the nearest officer exercising powers of a Deputy Commissioner under Section 40 of the Mysore Stamp Act, 1900, calling his attention to Section 64 of the Mysore Stamp Act, 1900, as extended by Section 65 of the Mysore Town Municipalities Act, 1951.

3. (i) Every Registering Officer who registers any instrument referred to in Rule (1) shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Mysore Stamp Act, 1900, and the transfer duty imposed by the Mysore Town Municipalities Act, 1951. If the Registering Officer has jurisdiction over more than one Municipality, separate accounts shall be maintained for each Municipality. In these accounts, the duty recovered by other Registering Officers in respect of properties situated in the respective Town Municipalities, shall also be included.

(ii) The said accounts shall be consolidated quarterly, under the orders of the Inspector-General of Registration and each quarterly consolidated account shall be sent by him to the Accountant-General, Mysore, Bangalore, within two months after the close of the quarter.

4. If, in any case, it be impossible to recover the full duty payable on any instrument referred to in Rule (1), then only such portion of the duty realised on such instrument as is in excess of duty imposed by the Mysore Stamp Act, 1900, shall be treated in the said accounts as duty imposed by Section 65 of the Mysore Town Municipalities Act, 1951.

5. The Accountant-General, Mysore, Bangalore, shall, within three months after the close of each quarter,

arrange to pay the President of the Municipal Council concerned so much of the duty shown in the said consolidated accounts as represents the transfer duty imposed by Section 65 of the Mysore Town Municipalities Act, 1951.

6. A commission of one per cent shall be paid to the State Government for the collection of transfer duty and the same shall be deducted before payment of the amount due under these rules to the Municipal Council concerned.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 5919—S.T. 45-51-3, dated Bangalore, the 31st December 1951.

In exercise of the powers conferred by Section 6 of the Mysore Sales-tax Act, 1948 (Mysore Act XLVI of 1948), His Highness the Maharaja of Mysore is pleased to reduce the rate of tax payable on sales of handloom cloth woven wholly or partly with mill yarn from three pies per rupee to one and a half pies per rupee throughout the State of Mysore.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. 4460—Cts. 125-51-4, dated Bangalore, the 28th December 1951.

In exercise of the powers conferred by the Mysore Civil Courts Act, 1883 (Mysore Act I of 1883), His Highness the Maharaja is pleased to constitute with effect from 2nd January 1952, a Court of the Additional Munsiff for the area of the Civil Station, Bangalore, comprising that part of the City of Bangalore which prior to 8th day of December 1949, was known as Civil Station of Bangalore, as constituted under the Bangalore Municipal Law, 1897.

By Order of His Highness the Maharaja,

66 No. 4465—Cts. 125-51-5, dated Bangalore, the 28th December 1951.

In exercise of the powers conferred by sub-section (2) of Section 2 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951), His Highness the Maharaja is pleased to specially authorise with effect from 2nd January 1952, the Court of the Additional Munsiff, Civil Station, Bangalore, constituted under Government Notification No. 4460—Cts. 125-51-4, dated 28th December 1951, to perform the functions of a Court under the said Act, within the Local Area of Civil Station, Bangalore comprising that part of the City of Bangalore, which prior to the 8th day of December 1949, was known as the Civil Station of Bangalore, as constituted under the Bangalore Municipal Law, 1897.

By Order of His Highness the Maharaja,

No. 4470—Cts. 125-51-6, dated Bangalore, 28th December 1951.

In exercise of the powers conferred by the Mysore Civil Courts Act, 1883 (Mysore Act I of 1883), His Highness the Maharaja is pleased to constitute with effect from 2nd January 1952, a Court of the Additional First Munsiff for Bangalore City comprising that part of the City of Bangalore which prior to the 8th day of December 1949 was known as Bangalore City as constituted under the Mysore City Municipalities Act.

By Order of His Highness the Maharaja,

No. 4475—Cts. 125-51-7, dated Bangalore, 28th December 1951.

In exercise of the powers conferred by sub-section 2 of Section 2 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act No. XXX of 1951), His Highness the Maharaja is pleased to specially authorise with effect from 2nd January 1952, the Court of the Additional First Munsiff of Bangalore City constituted under Government Notification No. 4470—Cts. 125-51-6, dated 28th December 1951 to perform the functions of a court under the said Act within the local area of Bangalore City comprising that part of the City of Bangalore which prior to the 8th day of December 1949

was known as Bangalore City as constituted under the Mysore City Municipalities Act.

By Order of His Highness the Maharaja,

No. 4480—Cts. 125-51-8, dated Bangalore, 28th December 1951.

In exercise of the powers conferred by the Mysore Civil Courts Act, 1883 (Mysore Act I of 1883), His Highness the Maharaja is pleased to constitute with effect from 2nd January 1952 a Court of the Additional First Munsiff for Mysore City.

By Order of His Highness the Maharaja,

No. 4485—Cts. 125-51-9, dated Bangalore, 28th December 1951.

In exercise of the powers conferred by sub-section 2 of Section 2 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951) His Highness the Maharaja is pleased to specially authorise with effect from 2nd January 1952, the Court of the Additional First Munsiff of Mysore constituted under Government Notification No. 4480—Cts. 125-51-8, dated 28th December 1951 to perform the functions of a Court under the said Act within the local area of the City of Mysore.

By Order of His Highness the Maharaja,

No. 4490—Cts. 125-51-10, dated Bangalore, 28th December 1951.

In partial modification of the Government Notification No. W. 744, dated 13th September 1951 and in pursuance of the sub-section (1) of Section 2 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951) His Highness the Maharaja is pleased to appoint with effect from 2nd January 1952 the officers specified hereunder to perform

the functions of Controllers under the said Act in respect of the areas noted against each .—

Officers.	*Areas.*
1. Sri T. Ramaswamy, B.A., LL.B., Additional First Munsiff, Bangalore City.	That part of the City of Bangalore which prior to the 8th day of December 1949 was known as Bangalore City as constituted under the Mysore City Municipalities Act.
2. Sri S. Visweswariah, B.A., LL.B., Additional Munsiff, Civil Station, Bangalore.	That part of the City of Bangalore which prior to the 8th day of December 1949 was known as the Civil Station, Bangalore as constituted under the Bangalore Municipal Law B 1897.
3. Sri G. Chennaraya Reddy, BA., LL.B., Additional First Munsiff, Mysore City.	The City of Mysore.

By Order of His Highness the Maharaja,

No. 4510—Cts. 125-51-11, dated Bangalore, 29th December 1951.

Under Sections 4(A) and 4(B) of the Mysore Civil Courts Act I of 1883, His Highness the Maharaja is pleased to direct that, until further orders, there shall be four Judges for the District Court, Bangalore Division, *viz*, one Principal District Judge and three Additional District Judges.

Sri G. Natarajan, B.A., B.L., appointed as Acting District Judge in Government Notification Ch. S. 9398—G.E. 94-51-2, dated 29th December 1951, shall be the Third Additional District Judge, Bangalore Division.

The third Additional District Judge, Bangalore Division, shall hear appeals arising in the Bangalore Division under the Mysore House Rent and Accommodation Control Act, 1951 and shall also have and exercise jurisdiction concurrent with that of the Principal District Judge, Bangalore Division but shall try such cases and appeals as may be referred to him by or under the orders of the High Court of Mysore or by the Principal District Judge, Bangalore Division according to law, in addition to the appeals under the Mysore House Rent and Accommodation Control Act 1951 arising in the Bangalore Division.

By Order of His Highness the Maharaja,

No. 4517—Cts. 125-51-12, dated Bangalore, 29th December 1951. 69

Under Sections 4(*A*) and 4(*B*) of the Mysore Civil Courts Act I of 1883, His Highness the Maharaja is pleased to direct that, until further orders, there shall be two Judges for the District Court, Civil Station, Bangalore, *viz.*, one Principal District Judge and one Additional District Judge.

Sri G. Natarajan, B.A., B.L., appointed as Acting District Judge in Government Notification Ch. S. 9398—G.E. 94-51-2, dated 29th December 1951, shall be the Additional District Judge, Civil Station, Bangalore.

The Additional District Judge, Civil Station, Bangalore shall hear appeals arising in the Civil Station, Bangalore under the Mysore House Rent and Accommodation Control Act, 1951, and shall also have and exercise jurisdiction concurrent with that of the Principal District Judge, Civil Station, Bangalore, but shall try such cases and appeals as may be referred to him by or under the orders of the High Court of Mysore or by the Principal District Judge, Civil Station, Bangalore, according to law in addition to the appeals under the Mysore House Rent and Accommodation Control Act, 1951, arising in the Civil Station, Bangalore.

By Order of His Highness the Maharaja,

No. 4522—Cts. 125-51-13, dated Bangalore, 29th December 1951.

Under Sections 4(*A*) and 4(*B*) of the Mysore Civil Courts Act I of 1883, His Highness the Maharaja is pleased to direct that, until further orders, there shall be three Judges for the District Court, Mysore Division, *viz.*, one Principal District Judge and two Additional District Judges.

Sri V. Venugopal Mudaliar, B.A., LL.B., District Judge, shall be the Second Additional District Judge, Mysore Division.

The Second Additional District Judge, Mysore Division, shall hear appeals arising in the Mysore Division under the Mysore House Rent and Accommodation Control Act, 1951, and shall also have and exercise jurisdiction concurrent with that of the Principal District Judge, Mysore Division, but shall try such cases and

appeals as may be referred to him by or under the orders of the High Court of Mysore or by the Principal District Judge, Mysore Division, according to law, in addition to appeals under the Mysore House Rent and Accommodation Control Act, 1951, arising in the Mysore Division.

By Order of His Highness the Maharaja,

No. 4529—Cts. 125-51-14, dated Bangalore, 29th December 1951.

Under Sections 4(*A*) and 4(*B*) of the Mysore Civil Courts Act I of 1883, His Highness the Maharaja is pleased to direct that, until further orders, there shall be two Judges for the District Court, Shimoga Division, *viz.*, one Principal District Judge and one Additional District Judge.

Sri V. Venugopal Mudaliar, B.A., LL.B., District Judge, shall be the Additional District Judge, Shimoga Division.

The Additional District Judge, Shimoga Division shall hear appeals arising in the Shimoga Division under the Mysore House Rent and Accommodation Control Act, 1951, and shall also have and exercise jurisdiction concurrent with that of the Principal District Judge, Shimoga Division, but shall try such cases and appeals as may be referred to him by or under the orders of the High Court of Mysore or by the Principal District Judge, Shimoga Division, according to law, in addition to appeals under the Mysore House Rent and Accommodation Control Act, 1951, arising in the Shimoga Division.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. L.S. 3886—L.W. 187-51-4, dated Bangalore, 31st December 1951.

The draft of the following Rules which is proposed to make in exercise of the powers conferred by Section 7 of the Employment of Children Act, 1938 (Central Act XXVI of 1938), is hereby published as required by sub-

section (1) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th day of February 1952. Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore, before the said date.

The Mysore Employment of Children Rules, 1951.

1. These Rules may be called the Mysore Employment of Children Rules, 1951.

2. In these Rules, (i) "the Act" means the Employment of Children Act, 1938 (Central Act XXVI of 1938); (ii) all other expressions shall have the meanings respectively assigned to them in the Act.

3. An Inspector appointed under Section 6 of the Act, by the State Government may enter any place where persons are employed in any occupation mentioned in the Schedule to the Act and may, take on the spot, or otherwise, such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.

4. Any Medical Practitioner registered under the Mysore Medical Practitioners' Act of 1931 (Mysore Act V of 1931), may grant certificate of age in respect of young persons in employment, or seeking employment in any of the occupations mentioned in the Schedule to the Act.

5. A certificate of age granted under Rule 4, shall be in the form appended to these Rules.

6. The certificate of age may be granted by a Medical Practitioner on payment of a fee of one rupee by the occupier for each certificate.

7. The occupier desiring to have a certificate of age shall write to the Medical Authority stating the nature of industry that is carried on in his workshop, the name of the child whom he wants to employ in his workshop and the name of the child's father.

8. The Medical Authority on receipt of the application stated in Rule 7 shall for the purpose of satisfying himself as to the correct age of the child, require the occupier to produce the child before him at such place and at such time as may be stated by him and thereafter issue the certificate in the form prescribed retaining a copy of it with him.

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FORM OF CERTIFICATE.

(*Rule 5*).

Dated .....

I hereby certify that I have personally examined (name)..... ....., son of..... caste, etc.,.....residing at..... ..... and that he has completed his fourteenth year.

His descriptive marks are..... Thumb impression.

Medical Practitioner.

By Order of His Highness the Maharaja,

No. L.S. 3916—L.W. 79-51-2, dated Bangalore, 4th January 1952.

In exercise of the powers conferred by sub-section (5) of Section 1 of the Payment of Wages Act, 1936, (Central Act No. IV of 1936), His Highness the Maharaja of Mysore is pleased to extend all the provisions of the said Act to the payment of wages to all classes of persons employed in the Tramway Service connected with the Mysore Iron and Steel Works, Bhadravati, three months' notice of intention so to do having been given in Notification No. L.S. 1266—L.W. 79-51-1, dated 30th June 1951, as required by the said sub-section.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.R. 6842—St. 9-51-4, dated Bangalore, 8th January 1952.

In exercise of the powers conferred by Section 35 of of the Court Fees Act, 1900 (Mysore Act III of 1900), His Highness the Maharaja of Mysore is pleased to notify the following new design for Court Fee Stamps bearing the Portrait of His Highness the Maharaja with the words "Government of Mysore and a copy Stamp"

in the space encircling the portrait, in the following denominations and colours noted against each.

They will be ready for issue in all the Treasuries of the State from the 15*th January* 1952:—

	Denomination.	*Colour.*
1.	Re. 0—2—6 ...	... Copy Brown.
2.	Re. 0—3—6 ...	... Green.

By Order of His Highness the Maharaja,

B. T. KEMPANNA,
Secretary to Government,
Revenue Department.

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PART IV

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1523—Legis. 4-51-66, dated Bangalore, 12th November 1951.

Ordered that the All-India Services Act, 1951 (Central Act No. LXI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 29th October 1951.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

The All-India Services Act, 1951.

(LXI OF 1951)

AN

ACT

to regulate the recruitment, and the conditions of service of persons appointed, to the All-India Services common to the Union and the State.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the All-India Services Act, 1951.

2. *Definition.*—In this Act, the expression, "an All-India Service" means the service known as the Indian Administrative Service or the service known as the Indian Police Service.

3. *Regulation of recruitment and conditions of service.*—(*1*) The Central Government may, after consultation with the Governments of the States concerned, make rules for the regulation of recruitment, and the conditions of service of persons appointed, to an All-India Service.

(*2*) All rules made under this section shall be laid for not less than fourteen days before Parliament as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make on a motion made during the session in which they are so laid.

4. *Continuance of existing rules.*—All rules in force immediately before the commencement of this Act and applicable to an All-India Service shall continue to be in force and shall be deemed to be rules made under this Act.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publication
at the Government Press, Bangalore.

PART IV.

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi-1, January 11, 1952.

No. 128/7/52-Elec. III (1).—In exercise of the powers conferred by section 20 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission, in consultation with the Government of Mysore, hereby designates the officers specified in column 2 of the table below to be the Returning Officers for the Council Constituencies in the State of Mysore specified in the corresponding entries in column 1 of that table:—

TABLE.

Name of Constituency	Returning Officer
1	2
Mysore (Graduates)	The Registrar, University of Mysore, Mysore.
Mysore (Teachers)	The Director of Public Instruction in Mysore, Bangalore.
Kolar (Local Authorities)	The Commissioner for Local Self-Government in Mysore, Bangalore.
Tumkur (Local Authorities)	Do
Bangalore (Local Authorities) ...	Do
Mandya (Local Authorities)	Do
Mysore (Local Authorities)	Do
Hassan (Local Authorities)	Do
Chikmagalur (Local Authorities) ...	Do
Shimoga (Local Authorities)... ...	Do
Chitaldrug (Local Authorities) ...	Do

P. S. SUBRAMANIAN,

Secretary.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi-1, January 11, 1952.

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No. 128/7/52-Elec. III (1).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby appoints each of the officers specified in column 2 of the table below to assist the Returning Officer for the Council Constituency in the State of Mysore specified in the corresponding entry in column 1 of that table in the performance of his functions :—

TABLE.

Name of Constituency	Assistant Returning Officer
1	2
Mysore (Graduates) ...	The Assistant Registrar, University of Mysore, Mysore.
Mysore (Teachers) ...	Each of the District Educational Officers in the State.
Kolar (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Kolar District.
Tumkur (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Tumkur District.
Bangalore (Local Authorities) ...	(1) Personal Assistant to the Deputy Commissioner, Bangalore District. (2) Personal Assistant to the Commissioner, Corporation of the City of Bangalore.
Mandya (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Mandya District.
Mysore (Local Authorities) ...	(1) Personal Assistant to the Deputy Commissioner, Mysore District. (2) Personal Assistant to the Municipal Commissioner, City Municipal Council, Mysore.
Hassan (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Hassan District.
Chikmagalur (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Chikmagalur District.
Shimoga (Local Authorities) ...	Personal Assistant to the Deputy Commissioner, Shimoga District.
Chitaldrug (Local Authorities) ...	(1) Personal Assistant to the Deputy Commissioner, Chitaldrug District. (2) Municipal Commissioner, Davangere City Municipality.

P. S. SUBRAMANIAN,
Secretary.

NOTIFICATION.

No. L.D. 1572—Legis. 6-51-37, dated Bangalore, 20th November 1951.

Ordered that Notification No. S.R.O. 1648, dated the 20th October 1951 of the Ministry of Food and Agriculture, amending No. S.R.O. 716, published in the *Gazette of India*, Part II, Section 3, dated the 27th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

(AGRICULTURE).

New Delhi, the 20th October 1951.

S.R.O. 1648.—*Corrigendum.*—In line 4 of the footnote to Schedule V to the Bristles Grading and Marking Rules, 1951, published with the notification of the Government of India in the Ministry of Food and Agriculture, No. S.R.O. 716, in the *Gazette of India*, Part II, Section 3, dated the 19th May 1951, page 768 *for* the figure "6%" *read* the figures "6¼%".

[No. F. 4-5—50-Mkt.]
A. G. MENON, Dy. Secy.

NOTIFICATION.

No. L.D. 1573—Legis. 6-51-38, dated Bangalore, 20th November 1951.

Ordered that Notification No. S.R.O. 1646, dated the 17th October 1951 of the Ministry of Food and Agriculture, amending the late Department of Education, Health and Lands, No. F. 320—35-A, dated the 20th July 1936, published in the *Gazette of India*, Part II, Section 3, dated the 27th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

(AGRICULTURE).

New Delhi, the 17th October 1951.

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S.R.O. 1646.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendments shall be made in the order published with the notification of the Government in the late Department of Education, Health and Lands, No. F. 320/35-A, dated the 20th July 1936, namely:—

In the said order,—

(*a*) paragraph 8B shall be re-numbered as sub-paragraph (1) of that paragraph and in the sub-paragraph as so re-numbered, the words "Subject to the provisions of sub-paragraph (2)" shall be inserted before the words "unmanufactured tobacco".

(*b*) after paragraph 8B as so re-numbered the following sub-paragraphs shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-paragraph (1), unmanufactured tobacco may be imported into India by sea without the certificates referred to therein if the following conditions are fulfilled, namely:—

(i) the consignee of the tobacco has, within the period specified in sub-paragraph (3), furnished to the Collector of Customs, Bombay, and to the Entomologist In-charge, Fumigatorium, Sewri, Bombay, the following information, namely:—

(*a*) the name of the ship carrying the consignment;

(*b*) the probable date of arrival of the ship in Bombay; and

(*c*) the number of cases contained in the consignment.

(ii) On arrival of the tobacco in Bombay, the tobacco is disinfected by HCN or such other fumigant, at the Fumigatorium of the Directorate of Plant Protection, Quarantine and Storage, and in such manner as may be prescribed by rules made in this behalf under section 5 of the said Act.

(iii) (*a*) If samples of tobacco are imported by parcel post or as ships parcel, each parcel not exceeding 20 lbs. in weight, a fee of rupees three per case,

(*b*) in any other case, a fee of Rs. 5-2-6 per case of 440 lbs. of tobacco is paid to the Collector of Customs, Bombay, in accordance with such instructions as may be issued by the said Collector to meet the cost of fumigation. The fee of Rs. 5-2-6 does not include charges for unloading from the ship, transportation from the docks to the fumigatorium and import duty as specified in the Bombay Port Trust Scale of Charges.

(3) The information referred to in clause (i) of sub-paragraph (2) shall be furnished—

(*a*) if the duration of the voyage between the port of despatch and the port of Bombay is less than three weeks, at least seven days before the probable date of the arrival of the ship at Bombay; and

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(*b*) if the duration of such voyage is longer than three weeks, at least fourteen days before the probable date of the arrival of the ship at Bombay.

[No. F. 6-12—51-DTE. I.]

S. R. MAINI, Dy. Secy.

NOTIFICATION.

No. L.D. 1574—Legis. 6-51-33, dated Bangalore, 20th November 1951.

Ordered that the Notification No. S.R.O. 1639, dated the 23rd October 1951 of the Ministry of Finance under the Reserve Bank of India (Amendment) Act, 1951, appointing the date on which the Act comes into force, published in the *Gazette of India*, Part II, Section 3, dated the 27th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(DEPARTMENT OF ECONOMIC AFFAIRS).

New Delhi, the 23rd October 1951.

S.R.O. 1639.—In exercise of the powers conferred by sub-section (2) of ion 1 of the Reserve Bank of India (Amendment) Act, 1951 (XXXII of 1951), Central Government hereby appoints the 1st day of November 1951, as the on which the said Act shall come into force.

[No. F.3(49)-FI/49(Pt.II).]

S.K. SEN, Dy. Secy.

NOTIFICATION.

No. L.D. 1575—Legis. 5-51-73, dated Bangalore, 20th November 1951.

Ordered that Notification No. S.R.O. 1656, dated the 22nd October 1951 of the Ministry of Communications, amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 27th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 22nd October 1951.

S.R.O. 1656.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

After clause (dd) of Rule 183 of the said Rules, the following clause shall be inserted, namely :—

"(ee) Persons who are entitled by Rules made under section 60 of the Representation of the People Act, 1951 (XLIII of 1951), to give their votes by Postal Ballot, provided that the article posted relates solely to the giving of such vote.

Explanation :—Every such postal ballot shall be deemed to be an official postal article for the purpose of this rule."

[No. C-28-8—51.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 1576—Legis. 5-51-74, dated Bangalore, 20th November 1951.

Ordered that Notification No. S.R.O. 1658, dated the 18th October 1951 of the Ministry of Works, Production and Supply, amending the Indian Boiler Regulations, 1950, published in the

Gazette of India, Part II, Section 3, dated the 27th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 18th October 1951.

S.R.O. 1658.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board directs that the following further amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 107 of the said Regulations—for clauses (a) and (b) the following clauses shall be substituted, namely :—

"(*a*) Except as provided for in Chapter V and in regulation 107 (d) and 112, where longitudinal seams are welded, the weld shall be entirely covered by a butt strap or straps securely riveted to shell."

"(*b*) For small steam domes not exceeding 15" diameter when the welding is done by hammer and the plates do not exceed ½" thikness, butt straps may be omitted."

and after clause (*c*) the following clause shall be added at the end, namely :

"(*d*) As an alternative to riveting, Shell boilers not exceeding 4'-6" in diameter and the maximum working pressure of 120 lb. per sq. in. may be fabricated by fusion welding provided the longitudinal, circumferential and end seams comply with conditions laid down in Regulations 247 to 269.

The working pressure of such shells shall comply with regulation 176 where J=100 and C=2.75."

[No. M/BL-304(12).]

N. P. DUBE, Secy.

NOTIFICATION.

83 No. L.S. 4035—L.W. 258-51-9, Bangalore, dated 12th January 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an industrial dispute exists between the workers and the Management of the Mysore State Branches of Messrs. Singer Sewing Machine Co., Ltd., specified in Schedule I in respect of the matter specified in Schedule II;

And Whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE I.

(1) Singer Sewing Co., Ltd., Bangalore City Branch.
(2) Do do Bangalore Civil Area Branch.
(3) Do do Mysore City Branch.
(4) Do do Robertsonpet (K. G. F.).
(5) Do do Channapatna Branch.
(6) Do do Shimoga Branch.
(7) Do do Hassan Branch.
(8) Do do Tumkur Branch.
(9) Do do Nanjangud Branch.

SCHEDULE II.

(1) Security of Service.
(2) Increase of basic pay and dearness allowance.
(3) Payment of bonus for the years 1946 and 1947.
(4) Provident Fund and Gratuity Schemes.
(5) Grant of uniform rate of Commission on sale of Machines and Spare-parts.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. S.R. 6215—Regis., dated Bangalore, 12th December 1951.

In exercise of the powers conferred by Section 78 of the Indian Registration Act, 1908 (Central Act XVI of 1908) and in supersession of Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration Fees be revised, as in the Schedule appended, with effect from 1st January 1952.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

SCHEDULE

Table of Registration Fees under section 78 of the Indian Registration Act, 1908.

The registration fees payable to the several offices of registration in Mysore shall be as follows :—

I. (*a*) For registration of documents in Books 1 and 4—

	Rs.	a.	p.
(1) When the value does not exceed Rs. 10.	0	5	0
(2) When the value exceeds Rs. 10 but does not exceed Rs. 25	0	7	0
(3) When the value exceeds Rs. 25 but does not exceed Rs. 50	0	9	0
(4) When the value exceeds Rs. 50 but does not exceed Rs. 75	0	14	0
(5) When the value exceeds Rs. 75 but does not exceed Rs. 100	1	2	0
(6) When the value exceeds Rs. 100 but does not exceed Rs. 150	1	11	0
(7) When the value exceeds Rs. 150 but does not exceed Rs. 200	2	4	0
(8) When the value exceeds Rs. 200 but does not exceed Rs. 250	2	13	0
(9) When the value exceeds Rs. 250 but does not exceed Rs. 300	3	6	0

	Rs.	a.	p.
(10) When the value exceeds Rs. 300 but does not exceed Rs. 500	3	15	0
(11) When the value exceeds Rs. 500 but does not exceed Rs. 750	4	8	0
(12) When the value exceeds Rs. 750 but does not exceed Rs. 1,000	5	10	0
(13) When the value exceeds Rs. 1,000 but does not exceed Rs. 2,500—For the first thousand as under sub-clause (12) and for every 500 or part thereof in excess of Rs. 1,000....	1	2	0
(14) When the value exceeds Rs. 2,500 but does not exceed Rs. 5,000—For the first 2,500 as under sub-clause (13) and for every 500 or part thereof in excess of Rs. 2,500.	1	11	0
(15) When the value exceeds Rs. 5,000—but does not exceed Rs. 25,000—For the first 5,000 as under sub-clause (14) and for every 1,000 or part thereof in excess of Rs. 5,000.	2	4	0
(16) When the value exceeds Rs. 25,000 but does not exceed Rs. 50,000—For the first 25,000 as under sub-clause (15), and for every 1,000 or part thereof in excess of Rs. 25,000.	2	13	0
(17) When the value exceeds Rs. 50,000—For the first 50,000 as under sub-clause (16), and for every 1,000 or part thereof in excess of Rs. 50,000.	3	6	0

(*b*) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(*c*) The provisions of sections 5, 6, 20, 21, 23 and 25 of the Mysore Stamp Act, 1900 (II of 1900) shall apply *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(*d*) In the case of leases the value is taken—

(1) at the total rent for the whole term when the lease is for periods not exceeding one year;

(2) at the average annual rent when the lease is for periods exceeding one year;

(3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment, quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(*e*) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(*f*) In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as, for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0, provided that in cases where value of only a portion of the property

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or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactione incapable of valuation the Inspector-General of Registration may, if hs considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which shall not in any case be less than five annas.

(*g*) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is duly registered :—

Same fee as for the principal or primary mortgage.

(*h*) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document :—

Ad valorem fee as per Article I(a), subject to a maximum of Rs. 2-4-0.

(*i*) For a duplicate or counterpart of a document if registered at the same time as the original, Re. 0-5-0 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-5-0 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(*j*) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article I (*a*).

(*k*) For Registration of an Adoption deed :—

(Whether or not the deed refers to immovable property to which the adoptee becomes entitled).	Rs. 11-4-0.

II. For registration of Wills and Authorities to adopt—

(*a*) Opening a sealed cover and entering the contents in Book 3.

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(*b*) Will or Authority to adopt presented open Rs. 11-4-0: Provided that in the case of Wills in which the value of the property dealt with is mentioned and that value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article I (*a*).

III. Sealed Covers (Book 5.)—

(*a*) For deposit and entry in Book 5 of a sealed cover purporting to contain a Will .... Rs. 3 6 0

(*b*) Withdrawal of any such cover .... Rs. 3 6 0

IV. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked, subject to a maximum of Rs. 5-10-0.

V. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under section 30 (1) by any District Registrar and Rs. 10 when registered by any District Registrar under section 30 (2): Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable: Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid as above, and such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

VI. (*a*) (1) Memorandum under sections 64, 65, 66 and 67 .... Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof .... Re. 0 5 0

(*b*) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-5-0 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VII. (*a*) (i) Search for or inspection of a single entry or document—

For the first year in the books of which search is made for each entry or document .... Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document .... Re. 0 5 0

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.—

For the first year in the books of which search is made .... Rs. 2 4 0

For every other year in the books of which search is continued .... Re. 0 9 0

Note.—(1) The rates mentioned above are subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as fresh application and the higher fees of Rs. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

(3) Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are specified in the application for the copy.

(4) The Inspector-General of Registration may, in his discretion, remit in part the fee leviable under this article when it appears to him that the levy of the full fee would result in hardship.

VIII. (1) (*a*) Granting certified copies or extracts from registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words.—

Re. 0-4-0 whether in English or Kannada.

(*b*) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(c) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the High Court of Mysore for the grant of copies in Civil Courts.

Note.—(1) Every figure, initial or abbreviation shall count as a word for the purpose of calculating the number of words.

(2) Officers of the Government of India or of any State Government who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas, if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charges shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

IX. Powers of Attorney.—

		Rs.	a.	p
(1) Registering a Power of Attorney	....	5	10	0
(2) Attesting a Special Power of Attorney	....	1	2	0
(3) Attesting a General Power of Attorney	....	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

X. For filing translation .... Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 ... ... No Fee.

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XI. (1) Issue of commission or attendance at private residence or Jail.

(*a*) For registration of one or more documents executed by one and the same individual, or (*b*) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or (*c*) For the attestation of one or more Power-of-Attorney executed by one and the same individual. (*d*) For the examination of one and the same individual under Section 33 or 38.	Rs. 11 4 0. Besides ordinary fee and travelling allowance.

(2) For the services of a woman if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

(2) When in the course of attendance at a private residence a registering officer is required to record in respect of the same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with, without the levy of any additional fee.

XII. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to make an examination.

XIII. For the safe custody and return of documents,—

For each month or part of a month, during which a registered document is left unclaimed in a registration

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office, after the expiration of one month from the date of registry (to be paid before delivery of the document), five annas per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIV. (1) On all documents registered, if containing more than 300 words, an additional fee at the rate of five annas per 100 words or fraction of 100 words is charged for the number above 300.

(2) If a document tendered for registration has one or more schedules appended to it, they are charged for at the above rate according to the aggregate number of words contained in them.

(3) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.—

		Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100 including schedules	....	0	19	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(*c*) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(*d*) In all other cases	....	4	8	0
(*e*) Searches		Nil		
(*f*) Certified copies for every 100 words or part thereof	....	0	2	0
(*g*) Attesting Power-of-Attorney	....	0	5	0
(*h*) Private attendance	....	2	4	0
(*i*) Issue of commission	....	2	4	0
(*j*) Mileage to Registering Officers or others per mile	....	0	2	0

(4) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Mysore Co-operative Societies Act or by an officer or member of such a society and relating to the business thereof half the fee.

(5) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules for the time

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being in force made by the State Government published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913.—

		Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100 including schedule	....	0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(*c*) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	....	2	4	0
(*d*) In all other cases	....	4	8	0
(*e*) Searches		Nil		
(*f*) Certified copies for every 100 words or part thereof	..	0	2	0
(*g*) Attesting Power-of-Attorney	....	0	5	0
(*h*) Private attendance	....	2	4	0
(*i*) Issue of commission	...	2	4	0
(*j*) Mileage to Registering Officers or others per mile	....	0	2	0

(6) For Registration, etc., of instruments executed by or on behalf of or in favour of His Highness Sri Jaya Chamarajendra Wadiyar Bahadur, Maharaja of Mysore. .... Nil

(7) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.—

		Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100		0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(*c*) Searches	....	Nil		
(*d*) Certified copies for every 100 words or part thereof	....	0	2	0
(*e*) Attesting Power-of-Attorney	....	0	5	0
(*f*) Private attendance	....	2	4	0
(*g*) Issue of commission	....	2	4	0
(*h*) Mileage to Registering Officers or others per mile	....	0	2	0

NOTIFICATION.

No. C. 1453—Co. 40-50-70, dated Bangalore, 4—7th January 1952.

Ordered that the accompanying Notification No. PC-4(1)—50, dated the 15th December 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 15th December, 1951.

PC-4(1)-50.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. 876, dated the 1st June 1951, the Central Government hereby directs that the following further amendment shall be made in the schedule to the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 500, dated the 2nd September, 1950, in so far as it relates to the fixation of maximum prices of Cow and Gate Milk :—

SCHEDULE.

Goods		*Maximum retail price which may be charged to a consumer.*
Cow and Gate Milk	...	Rs. 4-7-0 per 1 lb. tin.
Cow and Gate Milk	...	Rs. 8-9-0 per 2 lbs. tin

C. R. NATESAN,
Dy. Secy. to the Govt. of India.

95 NOTIFICATION.

No. C. 1455—Co. 40-50-72, dated Bangalore, 4—7th January 1952.

Ordered that the accompanying Notification No. PC-7(16)51, ted the 21st December 1951, of the Government of India, Ministry Commerce and Industry under the Supply and Prices of Goods ;t, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette*, : general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY

ORDER.

New Delhi, the 31st December 1951.

No. PC-7(16)51.—In exercise of the powers conferred by Section 4 of the Supply of Prices of Goods Act, 1950 (LXX of 1950) and in supersession of the notification of the Government of India in the late Ministry of Industry and Supply S.R.O. No. 503, dated the 2nd September 1950, in so far as it relates to the fixation of maximum price of Soda ash imported from U.S.A., the Central Government hereby fixes the following schedule of maximum prices for 350 long tons of soda ash imported per S.S. City of Bedford during September 1951, by the Indian Commerial Company, Ltd., Bombay.

SCHEDULE

1	2	3	4	5
Variety Soda ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a Distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
ight soda ash.	Rs. 28-2-0 per cwt Ex-godown—f.o.r., Bombay.	The price specified in col. 2 *plus* (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in col. 3 *plus* a margin not exceeding annas eight per cwt.	The price specified in col. 4 plus a margin not exceeding Rs. 1-12-0 per cwt.

Note.—These prices are exclusive of local taxes, such as Sales-tax, Octroi, etc., which may be charged extra.

C. R. NATESAN,

Dy. Secy. to the Govt. of India.

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PART IV

Section 2-C

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RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 11258—Ml. 97-51-10, dated Bangalore, the 9—10th January 1952.

In exercise of the powers conferred by Section (3) of Section 1 of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932) His Highness the Maharaja of Mysore is pleased to direct that the provisions of the said Act shall come into force in Mudigere Town Municipal limits from the 1st day of February 1952.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fi.(B). 3474-75—Inv. 27-51-2, dated Bangalore, 31st December 1951.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Government Securities Act, 1925 (Mysore Act VIII of 1925), His Highness the Maharaja of Mysore is pleased to declare that the provisions of the said sub-section shall apply to the Office of the Finance Secretary to the Government of the State of Travancore-Cochin.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

Printed by the Director of Printing, Stationery and Publications
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NOTIFICATIONS.

No. L.S. 4092—L.W. 29-51-16, dated Bangalore, 16th January 1952. 97

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in any Rice Mill, Flour Mill or Dhall Mill specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (a) of sub-section (1) of section 3 *read with clause (iii) of sub-section* (1) of Section 4 of the Minimum Wages Act, 1948 (Central Act XI of 1948), is published as required by clause (*b*) of sub-section (1) of Section 5 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Sl. No.	Category of Employees	Proposed minimum all-inclusive rates of wages (Daily)
		Rs. a. p.
1	Machine Drivers, Mechanics ...	1 12 0
2	Measurers	1 4 0
3	Carriers of Rice and Paddy ...	1 0 0
4	Coolies—Men	1 0 0
5	Coolies—Women	0 12 0
6	Huller Men	1 4 0
7	Boiler Attenders	2 0 0
8	Boiler Helpers	1 0 0
9	Maistries	1 8 0
10	Watchman	1 0 0

By Order of His Highness the Maharaja,

No. L.S. 4094—L.W. 29-51-17, dated Bangalore, 16th January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in Public Motor Transport specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (a) of sub-section (1) of Section 3, read with clause (ii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (Central Act XI of 1948), is published as required by clause (b) of sub-section (1) of Section 5 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Sl.No.	Category of Employees	Proposed minimum basic rates of wages (monthly)*			
		Rs.	As.	Ps.	
1	Drivers	45	0	0	per month
2	Conductors	30	0	0	do
3	Cleaner (Boys)	20	0	0	do
4	Fitters	30	0	0	do
5	Foremen	75	0	0	do
6	Mechanics	60	0	0	do
7	Carpenters	60	0	0	do
8	Painters	45	0	0	do
9	Blacksmiths	60	0	0	do
10	Welders (Gas)	65	0	0	do
11	Welders (Elec.)	65	0	0	do
12	Checking Inspectors or Traffic Supervisors.	40	0	0	do
13	Watchmen	26	0	0	do
14	Tinkers	45	0	0	do
15	Liners	45	0	0	do
16	Auto-Litters	35	0	0	do

* Without the cost of living allowance and the cash value of concessions in respect of supplies of essential commodities at concession rates, where so authorized.

By Order of His Highness the Maharaja,

No. L.S. 4096—L.W. 29-51-18, dated Bangalore, 16 h January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in the Plantations specified in the Schedule annexed hereto, which it is proposed to fix in pursuance of clause (*a*) of sub-section (1) of Section 3 read with clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (XI of 1948), is published as required by clause (*b*) of sub-section (1) of Section 5 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Sl. No.	Category of Employees			*Proposed minimum all-inclusive wages (daily)
				Rs. a. p.
1	Men	...	...	1 2 0
2	Women	...	...	0 14 0
3	Adolescents	...	...	0 12 0
4	Children	...	...	0 10 0

* These rates do not affect the existing amenities provided to workers such as free housing, free medical aid and free supply of fuel, one Kambly a year and one-way passage money for them to go home and back.

By Order of His Highness the Maharaja,

No. L. S. 4098—L.W. 29-51-19, dated Bangalore, 16th January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in any Oil Mill specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (a) of sub-section (1) of Section 3 read with

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clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (XI of 1948), is published as required by clause (b) of sub-section (1) of Section 5 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Sl. No.	Category of Employees	Proposed minimum all-inclusive rates of wages (daily or monthly)
		Rs. a. p.
1	Cake carriers	1 0 0
2	Coolies—Men	1 0 0
3	Coolies—Women	0 12 0
4	Expeller Maistries	50 0 0 Per month
5	Engine Drivers	50 0 0 ,,
6	Boiler Attenders	2 0 0
7	Boiler Helpers	1 0 0
8	Fitters	1 4 0
9	Watchmen	1 0 0 or 30 per mensem
10	Filtermen	1 4 0

By Order of His Highness the Maharaja,

No. L.S. 4100—L.W. 29-51-20, dated Bangalore, 16th January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in the Tobacco (including Beedi-making) manufactory specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (a) of sub-section (1) of Section 3 read with clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (Central Act XI of 1948), is published as required by clause (b) of sub-section (1) of Section 5 of the said Act

for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Serial No.	*Categories of Employees.*	*Proposed minimum all-inclu ive rate of wages: (Daily)*		
		RS.	A.	P.
	I. TOBACCO CURING IN FACTORIES.			
1.	Men	1	2	0
2.	Women	0	14	0
3.	Adolescents	0	8	0
4.	Children	0	6	0
	II. BEEDI-MAKING, ETC.			
(i)	For rolling 1,000 beedies ...	1	6	0
(ii)	For converting one viss of tobacco into snuff.	0	12	0
(iii)	For cutting one viss of tobacco ...	0	1	0
(iv)	For stripping one viss of tobacco ...	0	2	0
(v)	For rosting one viss of tobacco ...	0	3	0
(vi)	For grinding and mixing one viss of tobacco into snuff.	0	6	0

Note.—"Air curing" of tobacco not included.

By Order of His Highness the Maharaja,

No. L.S. 4102—L/W. 29-51-21, dated Bangalore, 16th January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees in tanneries and leather manufactory specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (a) of sub-section (1) of Section 3 *read with clause (ii) of sub-section (1)* of Section 4 of the Minimum Wages Act, 1948, (Central Act XI of 1948), is published as required by clause (b) of sub-section (1) of Section 5 of the said Act for the information of all

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persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 17th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

PART I—TANNERIES *cum* LEATHER MANUFACTORIES: (DAILY)

Sl. No.	*Categories of Employees.*	*Proposed minimum rates of basic wages (Daily or Monthly).**		
		Rs.	a.	p.
Lime-Yard.—				
1	Helpers	0	10	0
2	Fleshers	0	12	0
3	Scudders	0	12	0
4	Goat-skin knifers ...	0	12	0
Tanning and Dyeing Department.—				
1	Helpers	0	10	0
2	Drum Boys	0	10	0
3	Shavers	1	0	0
4	Splitters	1	0	0
5	Shaving learners ...	0	10	0
6	Samming Helpers ...	0	10	0
Setting Department.—				
1	Helpers	0	10	0
2	Setting Machine Operators ...	0	10	0
3	Hand Setters ...	0	10	0
Staking Department.—				
1	Helpers	0	10	0
2	Dusters	0	10	0
3	Stakers	0	10	0
Straining Department.—				
1	Helpers	0	10	0
2	Strainers	0	10	0
Finishing Department.—				
1	Helpers	0	10	0
2	Seasoners	0	10	0
3	Sprayers	0	10	0

*For Note *vide* page 27.

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Sl. No.	Categories of Employees.	Proposed minimum rates of basic wages (Daily or Monthly).*		
	Finishing Machinery Department.—	Rs.	a.	p.
1	Helpers	0	14	0
2	Buffing Machine Operators ...	0	14	0
3	Emery Wheel Operators ...	0	14	0
4	Glazing M/C. Operators (Cow).	0	14	0
5	Trimmers	0	14	0
6	Press Machine Operators ...	0	14	0
7	Hand Ironers ...	0	14	0
8	Boarders	0	14	0
9	Glazing Machine Operators (Glacekid).	0	14	0
	Foundry Department.—			
1	Helpers	0	10	0
2	Fitters	0	12	0
3	Drivers	1	0	0
4	Masons	0	14	0
5	Carpenters	0	14	0
6	Fitter and Driver learners ...	0	10	0
	Bark Yard Department.—			
1	Beemers	0	10	0
2	Setters	0	10	0
	General.—	*(Monthly)*		
1	Maistries	30	0	0 Per month
2	Clerks	30	0	0 ,,
3	Watchmen	25	0	0 ,,

*In addition to this a uniform rate of Dearness Allowance of Rs. 18 per mensem for men and Rs. 12 per mensem for women and children shall be paid.

PART II—OTHER TANNERIES.

Sl. No.	Categories of Employees,	Proposed minimum rates of basic wages (Daily or Monthly).* Rs. a. p.	
1	Nanu (soaking in water first and then in lime).	0 10 0	Per pit
2	Mudi (removing hair) ...	0 10 0	Per pit of 30 to 50 pieces.
3	Chella (fleshing) ...	0 10 0	Per pit of 14 pieces.
4	Patta thotti (or Bark tank)—(mainly boys employed).	0 10 0	Per unit of 16 pits (300 pieces handling).
5	Kadaka (soaking in "Myrobalam").	0 10 0	(Handling 25 pieces per unit).
6	Oiling (Honge Oil) ...	0 10 0	Do
7	Thana (finishing) ...	0 10 0	Per unit of 10 pieces.

*In addition to this a Dearness Allowance at Rs. 18 per mensem for men and Rs. 12-12-0 for women and children shall be paid.

The casual workers shall be paid in all-inclusive wage of Re. 1 per day.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV.

Section I-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 15915—Elr 95-51-3, dated Bangalore, 19th—21st January 1952.

Ordered that the accompanying Notifications No. S.R.O. 69, dated the 10th January 1952, and S. R. O. No. F. 134(3)/51-c., dated the 11th January 1952, of the Ministry of Law, Government of India, making amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 10th January 1952.

S.R.O. 69.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following amendments in

the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

1. After rule 34 of the said Rules, the following rules shall be inserted, namely :—

"34A. **Disposal of ballot boxes, etc., on adjournment of poll.**—If the poll is adjourned under section 57 at any polling station, the provisions of rules 32, 33 and 34 shall apply in relation to the poll so adjourned as they apply in relation to a poll closed in accordance with the provisions of sub-rule (2) of rule 17.

34B. **Special procedure regarding recommencement of an adjourned poll.**—(1) Where a poll adjourned under sub-section (1) of section 57 recommences under sub-section (2) of that section, the electors who have already voted at the poll so adjourned before the adjournment shall not vote again after its recommencement.

(2) When an adjourned poll is recommenced at any polling station the ballot boxes which have been already used at the poll before its adjournment and have been sealed and delivered to the Returning Officer after the adjournment shall not be used but new ballot boxes shall be provided at such polling station, and the procedure laid down in rules 19 and 21 shall be followed in relation to such new ballot boxes.

(3) The Returning Officer shall cause to be delivered to the presiding officer of the polling station at which such adjourned poll is to recommence the sealed packets of—

(i) the unused ballot papers;
(ii) the marked copy of the electoral roll;
(iii) the tendered votes list; and
(iv) the list of challenged votes,

which were received by the Returning Officer from the presiding officer of the polling station at which the poll was adjourned.

(4) The presiding officer shall before the recommencement of the poll open, in the presence of any candidates or their election or polling agents who may be present at the polling station, the sealed packets received by him under sub-rule (3) and shall make them available for use for the taking of the adjourned poll.";

2. In clause (b) of rule 40 of the said Rules, after the word, brackets and letter "clause (b)" the words, brackets and letter "or clause (e)" shall be inserted.

3. In rule 54 of the said Rules—

(*a*) in the second proviso, for the words "close of the poll" the words "close or adjournment of the poll" shall be substituted;

(*b*) the following proviso shall be added at the end, namely :—

"Provided also that rule 34B shall have effect as if for the reference in sub-rule (2) thereof to rules 19 and 21 the reference to rule 56 were substituted and in the reference in sub-rule (3) of the said rule 34B to the sealed packets to be delivered to the presiding officer the reference to the sealed packet of the counterfoils of ballot papers were included.";

4. After rule 82 of the said Rules, the following rules shall be inserted, namely :—

"82A. **Disposal of ballot boxes, etc., on adjournment of poll.**—If the poll is adjourned under section 57 at any place fixed therefor, the provisions of rule 82 shall apply in relation to the poll so adjourned as they apply in relation to a poll closed in accordance with the provisions of sub-rule (2) of rule 76

82B. **Special procedure regarding recommencement of an adjourned poll.**—(1) Where a poll adjourned under sub-section (1) of section 57 recommences under sub-section (2) of that section, the electors who have already voted at the poll so adjourned before the adjournment shall not vote again after its recommencement.

(2) When an adjourned poll is recommenced at any place fixed therefor the ballot boxes which have been already used at the poll before its adjournment and have been sealed after the adjournment shall not be used, but new ballot boxes shall be provided at such place and the procedure laid down in rule 75 shall be followed in relation to such new ballot boxes.

(3) The returning Officer shall before the recommencement of the poll open, in the presence of any candidates or their election or polling agents who may be present at the place fixed for the poll, the sealed packets of—

(i) the unused ballot papers;

(ii) the marked copy of the list of electors containing receipts of the electors that ballot papers have been obtained by such electors; and

(iii) the counterfoils of ballot papers,

which were used at the place at which the poll was adjourned and were sealed after the adjournment of such poll and shall make them available for use for the taking of the adjourned poll."

5. In Schedule I to the said Rules, in clause (b) of paragraph 4 of the instructions in Form 11, after the words "or the wife of such person" the words, brackets and figures "or is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot" shall be inserted.

[No. F. 134(3)/51-C.]

S.R.O. 70.—*Corrigendum.*—In the Delimitation of Parlimentary and Assembly Constituencies (West Bengal) Order, 1951, as modified by Parliament, the following correction shall be made:—

"On page 5, in Table A—Parliamentary constituencies, against 'Calcutta South-West' in column I, *for* 'Tollygunge and Behala police stations' in column 2 *read* "Tollygunge Municipality, Behala police station and Tollygunge police station (excluding Tollygunge Municipality)".

[No. F. 85(9)/51-C.]

S. N. MUKERJEE, Joint Secy.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 11th January 1952.

NOTIFICATION.

S.R.O.....—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. After rule 34B of the said Rules, the following rule shall be inserted, namely:—

"34C. *Special procedure for dealing with ballot boxes after close of poll in certain cases.*—(1) Notwithstanding anything contained in these Rules, the Election

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Commission may, at any time after the close of the poll at any polling station and before the commencement of the counting of ballot papers contained in the ballot boxes used at such polling station direct the Returning Officer to follow the procedure laid down in this rule with regard to such ballot boxes and the ballot papers contained therein.

(2) Upon receipt of a direction under sub-rule (1), the Returning Officer shall, as soon as practicable, appoint a date for the purpose of dealing with the ballot boxes and the ballot papers contained therein in the manner hereinafter provided, and shall fix the place and time at which they shall be so dealt with, and shall give notice thereof to each candidate and his election agent.

(3) On the date and at the time and place so appointed, the Returning Officer shall satisfy himself that all the ballot boxes used at the polling station have been received and that none of them has in fact been tampered with and shall, at the same time, allow such candidates and election agents as are present an opportunity to inspect the ballot boxes and the seals thereof.

(4) If it is found by the Returning Officer that any of the ballot boxes has in fact been tampered with, he shall seal and secure it in the manner provided in sub-rule (1) of rule 32 and keep it separate.

(5) He shall then open one after the other the remaining ballot boxes, and if no ballot box is found to have been tampered with, all the ballot boxes. After each ballot box has been so opened, he shall transfer all the ballot papers contained in it, without examining or counting them, to a separate cover, and shall indicate on such cover—

(i) such particulars as will identify the ballot box in which such ballot papers were found ;
(ii) the name of the candidate to whom such ballot box was allotted ;
(iii) the name of the polling station and the number of the polling booth, if any, where such ballot box was used ; and
(iv) the date of the poll.

He shall thereafter allow the candidates and election agents who may be present an opportunity to inspect such ballot box to satisfy themselves that all the ballot papers contained therein have been transferred to the cover. The cover shall thereafter be sealed with the seals of the Returning Officer and of any candidates or election agents who may wish to affix their seals thereon. All such covers shall thereafter be kept together by the Returning Officer in safe custody until the commencement of the counting of votes."

2. In sub-rule (1) of rule 46 of the said Rules, after paragraph (ix), the following paragraph shall be inserted, namely :—

"(x) In any case where, after the close of the poll, the ballot papers contained in the ballot boxes used at a polling station have been transferred to sealed covers under rule 34C, every reference in this rule to such ballot boxes shall be construed as including a reference to the sealed covers, and every reference to ballot papers contained in such ballot boxes shall be construed as including a reference to the ballot papers contained in the sealed covers."

[F. 134 (3)/51-C]

K. V. K. SUNDARAM,
Secretary.

PART IV.

Section 2-A

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MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

Order No. L.D. 1941—Legis. 63-51-1, dated Bangalore, 18th January 1952.

Ordered that the accompanying Mysore Town Municipalities (Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 12th day of January 1952, be published as Mysore Act No. I of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT No. I OF 1952.

THE MYSORE TOWN MUNICIPALITIES (AMENDMENT) Act, 1952.

Received the Assent of His Highness the Maharaja on the Twelfth Day of January 1952.

An Act to amend the Mysore Town Municipalities Act, 1951.

WHEREAS it is expedient to amend the Mysore Town Municipalities Act, 1951, (Mysore Act No. XXII of 1951), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Town Municipalities (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

Amendment of section 2 of Mysore Act XXII of 1951.

2. For the proviso to section 2 of the Mysore Town Municipalities Act, 1951, (hereinafter referred to as the said Act), the following proviso shall be substituted and shall always be deemed to have been substituted, namely :-

"Provided that—

(*a*) the said repeal shall not affect the validity of anything already done under the said Acts;

(*b*) all appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted under the said Acts or under any Act thereby repealed, shall continue in force and be deemed to have been respectively made, issued, imposed, entered into and instituted under this Act, until superseded by or under the provisions of this Act;

(*c*) all minor and town municipal councils constituted, councillors appointed or elected and committees established and presidents and vice-presidents elected or appointed under the said repealed Acts shall exercise the powers and perform the duties conferred by the provisions of this Act on town municipal councils, councillors, committees, presidents and vice-presidents, respectively, until the municipal councils are duly constituted under the provisions of this Act, and on the date of the first meeting of any municipal council after such constitution under this Act, the municipal councils constituted under the repealed enactments shall be deemed to have been dissolved and the presidents and vice-presidents of such municipal councils shall vacate their office on the said date;

(*d*) casual vacancies in the seats of councillors or of members of committees or in the offices of presidents or vice-presidents of municipal councils functioning under clause (*c*), shall, until the municipal councils are duly constituted under the provisions of this Act, be filled and all matters in connection with the filling of such vacancies shall be regulated in accordance with the

provisions governing the filling of such vacancies and regulating such matters as were in force immediately before the date of coming into force of this Act;

(*e*) any enactment in force in Mysore, or document referring to any such repealed enactments, shall so far as may be, be construed to refer to this Act or to the corresponding portion thereof."

3. In sub-section (1) of section 11 of the said Act, for the words "be fixed by the municipal council and approved" the words "after consultation with the municipal council, be fixed by the Commissioner by notification in the *Mysore Gazette*" shall be substituted. Amendment of section 11 of Mysore Act XXII of 1951.

4. In sub-section (1) of section 20 of the said Act, for the words "declaration of the result of an election of a councillor", the words "notification in the *Mysore Gazette* of the name of the person elected as a councillor" shall be substituted, and in the marginal note for the word "judge" the word "Commissioner," shall be substituted. Amendment of section 20 of Mysore Act XXII of 1951.

NOTIFICATION.

Order No. L.D. 1942—Legis. 64-51-1, dated Bangalore, 18th January 1952.

Ordered that the accompanying City of Mysore Improvement (Amendment) Act, 1952, which received the assent of His Highness the Maharaja on the 13th day of January 1952, be published as Mysore Act No. II of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT NO. II OF 1952.

THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Maharaja on the Thirteenth Day of January 1952.)

An Act further to amend the City of Mysore Improvement Act, 1903.

WHEREAS it is expedient further to amend the City of Mysore Improvement Act, 1903, (Mysore Act III of 1903), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In the City of Mysore Improvement Act, 1903, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act III of 1903.

(*i*) for the words and figure "Mysore Municipal Act, 1906", the words and figure "Mysore City Municipalities Act, 1933" shall be substituted ; and

(*ii*) for the words "Official Gazette", the words "*Mysore Gazette*" shall be substituted.

Substitution of new section for section 2 of Mysore Act III of 1903.

3. For section 2 of the said Act, the following section shall be substituted, namely :—

Definitions.

'2. In this Act, unless there is anything repugnant in the subject or context,

(1) "betterment fee" means the fee payable under section 18-A in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Mysore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "The City of Mysore" or "the City" means the area comprised within the limits prescribed by Government from time to time as the municipal limits of the City of Mysore under the Mysore City Municipalities Act, 1933;

(5) "Government" means the Government of Mysore;

(6) "The Improvement Committee" means the Committee appointed in Government Order No. 4168-79—L.F. 36-02, dated the 18th September, 1902, for the purpose of devising a scheme for the improvement of the City of Mysore;

(7) "land" has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

(10) "trustee" means a member of the Board; and

(11) All other words and expressions shall have the meanings respectively assigned to them under the Mysore City Municipalities Act, 1933.'

4. For section 4 of the said Act, the following section shall be substituted, namely:— Substitution of a new section for section 4 of Mysore Act III of 1903.

"4. (1) The Board shall consist of ten trustees as follows:— Constitution of Board.

The Chairman of the Board to be appointed by Government;

The Municipal Commissioner of the City Municipal Council, Mysore;

The Vice-President for the time being of the Municipal Council, Mysore;

The Director of Public Health in Mysore, Bangalore;

The Government Architect;

Three trustees to be appointed by the Government; and

Two trustees to be elected by the Municipal Councillors of the City out of their own body in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the Municipal Councillors of the City.

(2) Notwithstanding anything contained in any law for the time being in force, the three trustees appointed by the Government and the two trustees elected by the Municipal Councillors to the Board and holding the office of trustees immediately before the commencement of this Act shall be deemed to have been appointed or elected to the Board as constituted under section 4 of the said Act as amended by this Act:

Provided that the aforesaid trustees shall unless they vacate office earlier or are disqualified under the provisions of the said Act, continue to hold office for the term of two years from the date of the *Mysore Gazette* in which their names were first notified under section 5 of the said Act, as trustees of the Board."

5. In section 5 of the said Act, for the words "appointed by Government or whose election by the Municipal Councillors shall have been approved by Government", the words "constituting the Board" shall be substituted. Amendment of section 5 of Mysore Act III of 1903.

Amendment of section 6 of Mysore Act III of 1903.

6. In sub-section (2) of section 6 of the said Act, for the word " two ", the word " three " shall be substituted.

Amendment of section 7 of Mysore Act III of 1903.

7. In sub-section (3) of section 7 of the said Act, for the word " councillors ", the word " council " shall be substituted.

Amendment of section 8 of Mysore Act III of 1903.

8. In clause (*e*) of sub-section (1) of section 8 of the said Act, for the expressions " twelve consecutive months " and " six consecutive ordinary meetings ", the words " six consecutive months " and " four consecutive ordinary meetings " shall respectively be substituted.

Amendment of section 9 of Mysore Act III of 1903.

9. In sub-section (3) of section 9 of the said Act, after the words " as they think fit ", the words " and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice they may desire " shall be inserted.

10. For section 10 of the said Act, the following section shall be substituted namely :—

Powers of different authorities.

" 10. (1) The Chairman may on behalf of the Board sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees in such manner and form as, according to law for the time being in force, would bind him if such contract or agreement were on his own behalf ; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees ; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement under sub-section (2) shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board as hereinafter provided. No contract or agreement unless

executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

11. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely :— Amendment of section 12 of Mysore Act III of 1903.

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

12. For section 14 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 14 of Mysore Act III of 1903.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(*a*) draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Municipal Council if the Council places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or works and execute it subject to such terms and conditions as may be specified by the Government."

Amendment of section 15 of Mysore Act III of 1903.

13. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting" shall be omitted.

Amendment of section 16 of Mysore Act III of 1903.

14. In section 16 of the said Act,

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice, stating whether the person so served dissents or not, to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment of section 18 of Mysore Act III of 1903.

15. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "five per cent." shall be substituted.

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J, 18-K and 18-L in Mysore Act III of 1903.

16. After section 18 of the said Act, the following sections shall be inserted, namely:—

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Payment of betterment fee.

18-A. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme, which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest there in respect of the increase in value of the land resulting from the execution of the scheme.

Assessment of betterment fee by the Board.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that, for the purpose of determining such fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon, give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within one month from the date of the communication thereof, appeal to the District Judge, Mysore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing, to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

Board to give notice to persons liable to payment of betterment fee.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

Agreement to make payment of betterment fee a charge on land.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

18-H. All moneys payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

by the Mysore City Municipalities Act, 1933, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the Mysore City Municipalities Act, 1933, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B, or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provisions of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area:

Provided that the municipal council shall be consulted if such area lies within the limits of the City.

The expenditure incurred or proposed to be incurred or such portion thereof, as may be determined by the Board and approved by the Government in carrying out such works, may be recovered by a *pro-rata* levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the municipal council and for which the Council has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the council."

Crediting betterment fee collected to the funds of the Council in certain cases.

17. In Section 19 of the said Act, for the word "Councillors" wherever it occurs, the word "Council" shall be substituted.

Amendment of section 19 of Mysore Act III of 1903.

18. Section 20-A of the said Act shall be re-numbered as section 20-B and before that section as re-numbered, the following section shall be inserted, namely :—

Insertion of a new section before section 20-A.

"20-A. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification :—

Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.

(i) the powers and functions of the municipal council or a committee thereof under the Mysore City Municipalities Act, 1933, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the municipal council under the said Act, shall be exercised and discharged by the Chairman :

Provided that the municipal council shall be consulted before making such declaration.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the municipal council or any committee thereof or the Commissioner of the municipal council, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control, as may be laid down by the Board or the Chairman, as the case may be."

Amendment of section 21 of Mysore Act III of 1903.

19. In Section 21 of the said Act,—

(1) in sub-section (1), for the words "The President of the Municipal Council" and "his opinion," the words "The Government after consulting the municipal council" and "their opinion" shall, respectively, be substituted; and for the word "Councillors", the word "Council" shall be substituted;

(2) in sub-section (2), for the word "Councillors," the word "Council" shall be substituted.

Insertion of new sections 21-A, 21-B and 21-C in Mysore Act III of 1903

20. After Section 21 of the said Act, the following sections shall be inserted, namely :—

Making of new private extensions, lay-outs or streets.

"21-A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify:

Provided that where any such extension or lay-out lies within the limits of the City, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Council:

Provided further that where the Council and the Board do not agree on the formation of or the conditions relating to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces;

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(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be of mader levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall, either sanction the forming of the extension or lay-out or making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water-supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board ;

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3) ; or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open ;

(iv) the lay-out, in the opinion of the Board, cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street, until orders have been passed by the Board after the receipt of such information :

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable on conviction, to a fine which may extend to one thousand rupees.

Alteration or demolition of extension, lay-out or street.

21-B. (1) If any person forms an extension or lay-out or makes any street referred to in section 21-A or puts up any building without or otherwise than in conformity with the orders of the Board under section 21-A, the Chairman may, whether or not the offender be prosecuted under this Act, by notice :—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or

street, should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street, should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

21-C. (1) The Chairman may,

(*a*) if any person who applied for permission under section 21-A and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street does not so carry it out; or

(*b*) if any private street or part thereof is not levelled paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the buildings, to carry out any work which, in his opinion, may be necessary and within such time, as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed, and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1), in such proportions as may be determined by the Chairman. Such

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expenses may be recovered from the persons concerned as if they were arrears of land revenue."

Amendment of section 24 of Mysore Act III of 1903.

21. In section 24 of the said Act, for the word "Councillors", the word "Council" shall be substituted.

Amendment of section 26 of Mysore Act III of 1903.

22. In sub-section (2) of section 26 of the said Act for the word "Councillors" the word "Council" shall be substituted and the following item shall be added at the end namely:—

"(*c*) Subject to the provisions of section 18-L betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

Amendment of section 28 of Mysore Act III of 1903.

23. In section 28 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 30 of Mysore Act III of 1903.

24. In the last sentence of section 30 of the said Act, after the words "A copy of the estimate", the words "as sanctioned by the Government" shall be inserted.

Amendment of section 32 of Mysore Act III of 1903.

25. In section 32 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 33 of Mysore Act III of 1903.

26. In section 33 of the said Act, for the words "Comptroller" the words "officer or authority appointed by the Government for this purpose" shall be substituted.

Amendment of section 35 of Mysore Act III of 1903.

27. In sub-section (1) of section 35 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added, namely:—

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officers belong."

28. (1) In sections 37 and 38 of the said Act, for the word "Councillors" the word "Council" shall be substituted.

Amendment of sections 37 and 38 of Mysore Act III of 1903.

(2) In section 38 of the said Act,

(i) the word "and" at the end of clause (i) shall be omitted;

(ii) clause (*b*) shall be re-lettered as clause (*c*) and before clause (*c*) as so re-lettered the following clause shall be inserted, namely :—

"(*b*) For the delegation by the chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed upon or vested in him by sections 9, 12, 28, 32 and 45 and for the conditions or limitations subject to which such delegation may be made and"

29. In sub-section (1) of section 39 of the said Act, after clause (*e*), the following clause shall be inserted, namely :—

Amendment of section 39 of Mysore Act III of 1903.

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

30. In section 45 of the said Act, for the words "All sums due" the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 45 of Mysore Act III of 1903.

31. In sub-section (1) of section 46 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person," the words "the Board" shall be substituted.

Amendment of section 46 of Mysore Act III of 1903

NOTIFICATION.

Order No. L.D. 1943—Legis. 65-51-1, Dated Bangalore, 18th January 1952. 129

Ordered that the accompanying City of Bangalore Improvement (Amendment) Act, 1952, which received the assent of His Highness the Maharaja on the 13th day of January 1952 be published as Mysore Act No. III of 1952, in the *Mysore Gazette* for general information

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT No. III OF 1952.

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) Act, 1952.

Received the assent of H. H. the Maharaja on the Thirteenth Day of January 1952.

An Act further to amend the City of Bangalore Improvement Act, 1945.

Preamble.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (Mysore Act V of 1945), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (i) This Act may be called the City of Bangalore Improvement (Amendment) Act, 1952.

(2) It shall come into force at once.

Substitution of certain expressions for expressions occurring in Mysore Act V of 1945.

2. In the City of Bangalore Improvement Act, 1945, (hereinafter referred to as the said Act),

(i) for the words and figure "Mysore City Municipalities Act, 1933," the words and figure "City of Bangalore Municipal Corporation Act, 1949,";

(ii) for the words "Official Gazette", the words "*Mysore Gazette*"; and

(iii) for the words "Municipal Council", the word "Corporation"

shall be substituted wherever they occur.

Substitution of new section for section 2 of Mysore Act V of 1945.

30 **3.** For section 2 of the said Act, the following section shall be substituted, namely:—

Definitions.

"2. In this Act, unless there is anything repugnant in the subject or context,

(1) 'betterment fee' means the fee payable under section 18-A, in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) 'Board' means the Board of trustees for the improvement of the City of Bangalore constituted under sections 3 and 4;

(3) 'Chairman' means the Chairman of the Board;

(4) 'Corporation' means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) 'Government' means the Government of Mysore;

(6) 'land' has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(7) 'prescribed' means prescribed by rules made under this Act;

(8) 'street' includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not;

(9) 'trustee' means a member of the Board;

(10) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949."

Amendment of section 4 of Mysore Act V of 1945.

4. In section 4 of the said Act, for the words "Municipal Councillors of the City", the words "Councillors of the Corporation" shall be substituted.

Amendment of section 8 of Mysore Act V of 1945.

5. In clause (*g*) of sub-section (1) of section 8 of the said Act, for the words "Municipal Councillor," the words "Councillor of the Corporation" shall be substituted.

6. In sub-section (3) of section 9 of the said Act, after the words "as it thinks fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire" shall be inserted.

Amendment of section 9 of Mysore Act V of 1945.

7. For section 10 of the said Act, the following section shall be substituted, namely:—

Powers of different authorities.

"10. (1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

8. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely:—

Amendment of section 12 of Mysore Act V of 1945.

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

9. For section 14 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 14 of Mysore Act V of 1945.

Power of Board to undertake works and incur expenditure for improvement, etc.

"14. (1) The Board may, subject to the control of the Government,

(*a*) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by the Government."

Amendment of section 15 of Mysore Act V of 1945.

10. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting", shall be omitted.

Amendment of section 16 of Mysore Act V of 1945.

11. In section 16 of the said Act,

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted; and for the word "President," the word "Mayor" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore*

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Gazette, the Board shall serve a notice on every person whose name appears in the assessment list of the corporation or the municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person so served, dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

12. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "five per cent" shall be substituted.

Amendment of section 18 of Mysore Act V of 1945.

13. After section 18 of the said Act, the following sections shall be inserted, namely :—

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J, 18-K and 18-L in Mysore Act V of 1945.

"18-A. (1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

Payment of betterment fee.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner,

and the betterment fee shall be one-third of such increase in value.

Assessment of betterment fee by the Board.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

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(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 18-E if any, may, within one month from the date of the communication thereof, appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the

rate of four per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at four per cent per annum upto the date of such payment.

Recovery of money payable in pursuance of section 18-B 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction and may

deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area :

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

Crediting betterment fee collected to the funds of the Corporation in certain cases.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Corporation."

Amendment of section 20 of Mysore Act V of 1945.

14. In section 20 of the said Act, for the words "President" and "Municipal drain", the words "Mayor" and "Corporation drain" shall respectively be substituted.

Substitution of new section for section 21 of Mysore Act V of 1945.

15. For section 21 of the said Act, the following section shall be substituted, namely:—

Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.

"21. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman:

Provided that the Corporation shall be consulted before making such declaration, if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may

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PART IV

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1536—Legis. 4-51-70, dated Bangalore, 13th November 1951.

Ordered that the Industries (Development and Regulations) Act, 1951 (Central Act No. LXV of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 31st October 1951.

THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951

(LXV OF 1951).

AN

ACT

to provide for the development and regulation of certain industries.

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(*1*) This Act may be called the Industries (Development and Regulation) Act, 1951.

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(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration as to expediency of control by the Union.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the industries specified in the First Schedule.

3. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Central Advisory Council established under Section 5;

(b) "Development Council" means a Development Council established under Section 6;

(c) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on—

(i) with the aid of power, provided that fifty or more workers are working or were working thereon on any day of the preceding twelve months; or

(ii) without the aid of power, provided that one hundred or more workers are working or were working thereon on any day of the preceding twelve months and provided further that in no part of such premises any manufacturing process is being carried on with the aid of power;

(d) "industrial undertaking" means any undertaking pertaining to a scheduled industry carried on in one or more factories by any person or authority including Government;

(e) "notified order" means an order notified in the Official Gazette;

(f) "owner" in relation to an industrial undertaking, means the person who, or the authority which, has the ultimate control over the affairs of the undertaking, and, where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the undertaking;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Schedule" means a Schedule to this Act;

(i) "scheduled industry" means any of the industries specified in the First Schedule.

4. Saving.—Nothing in this Act shall apply to an industrial undertaking if the capital invested therein does not exceed rupees one lakh.

CHAPTER II.

THE CENTRAL ADVISORY COUNCIL AND DEVELOPMENT COUNCILS.

5. Establishment and constitution of Central Advisory Council and its functions.—(1) For the purpose of advising it on matters concerning the development and regulation of scheduled industries, the Central Government may, by notified order, establish a Council to be called the Central Advisory Council.

(2) The Advisory Council shall consist of a Chairman and such other members not exceeding thirty in number, all of whom shall be appointed by the Central

Government from among persons who are in its opinion capable of representing the interests of—

(*a*) owners of industrial undertakings in scheduled industries;

(*b*) persons employed in industrial undertakings in scheduled industries;

(*c*) consumers of goods manufactured or produced by scheduled industries;

(*d*) such other class of persons including primary producers, as in the opinion of the Central Government, ought to be represented on the Advisory Council.

(*3*) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, members of the Advisory Council, shall be such as may be prescribed.

(*4*) The Central Government,

shall consult the Advisory Council in regard to—

(*a*) the making of any rules, other than the first rules to be made under sub-section (*3*);

(*b*) the exercise by the Central Government of any of the powers conferred upon it under Section 16 of sub-section (*1*) of Section 17;

and may consult the Advisory Council in regard to any other matter connected with the administration of this Act in respect of which the Central Government may consider it necessary to obtain the advice of the Advisory Council.

6. Establishment and constitution of Development Councils and their functions.—(*1*) The Central Government may by notified order, establish for any scheduled industry or group of scheduled industries, a body of persons to be called a Development Council which shall consist of members who in the opinion of the Central Government are—

(*a*) persons capable of representing the interests of owners of industrial undertakings in the scheduled industry or group of scheduled industries;

(*b*) persons having special knowledge of matters relating to the technical or other aspects of the scheduled industry or group of scheduled industries;

(*c*) persons capable of representing the interests of persons employed in industrial undertakings in the scheduled industry or group of scheduled industries;

(*d*) persons not belonging to any of the aforesaid categories, who are capable of representing the interests of consumers of goods manufactured or produced by the scheduled industry or group of scheduled industries.

(*2*) The number and the term of office of, and the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among members of a Development Council shall be such as may be prescribed.

(*3*) Every Development Council shall be, by virtue of this Act, a body corporate by such name as may be specified in the notified order establishing it, and may hold and transfer property and shall by the said name sue and be sued.

(*4*) A Development Council shall perform such functions of a kind specified in the Second Schedule as may be assigned to it by the Central Government and for whose exercise by the Development Council it appears to the Central Government expedient to provide in order to increase the efficiency or productivity in the scheduled industry or group of scheduled industries for which the Development Council is established, to improve or develop the service that such industry or group

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of industries renders or could render to the community or to enable such industry or group of industries to render such service more economically.

(5) A Development Council shall also perform such other functions as it may be required to perform by or under any other provision of this Act.

7. Reports and accounts of Development Councils.—(1) A Development Council shall prepare and transmit to the Central Government and the Advisory Council, annually, a report setting out what has been done in the discharge of its functions during the financial year last completed.

(2) The report shall include a statement of the accounts of the Development Council for that year, and shall be transmitted as soon as accounts therefor have been audited, together with a copy of any report made by the auditors on the accounts.

(3) The statement of account shall be in such form as may be prescribed, being a form which shall conform to the best commercial standards, and the statement shall show the total of remuneration and allowances paid during the year to members and officers of the Council.

(4) A copy of each such report of a Development Council, or made by the auditors on its accounts, shall be laid before Parliament by the Central Government.

8. Dissolution of Development Councils.—(1) The Central Government may, if it is satisfied that a Development Council should cease to continue in being, by notified order, dissolve that Development Council.

(2) On the dissolution of a Development Council under sub-section (1), the assets of the Development Council, after its liabilities, if any, are met therefrom, shall vest in the Central Government for the purposes of this Act.

9. Imposition of cess on scheduled industries in certain cases.—(1) There may be levied and collected as a cess for the purposes of this Act on all goods manufactured or produced in any such scheduled industry as may be specified in this behalf by the Central Government by notified order a duty of excise at such rate as may be specified in the notified order, and different rates may be specified for different goods or different classes of goods:

Provided that no such rate shall in any case exceed two annas per cent of the value of the goods.

Explanation.—In this sub-section, the expression "value" in relation to any goods shall be deemed to be the wholesale cash price for which such goods of the like kind and quality are sold or are capable of being sold for delivery at the place of manufacture and at the time of their removal therefrom, without any abatement or deduction whatever except trade discount and the amount of duty then payable.

(2) The cess shall be payable at such intervals, within such time and in such manner as may be prescribed, and any rules made in this behalf may provide for the grant of a rebate for prompt payment of the cess.

(3) The said cess may be recovered in the same manner as an arrear of land revenue.

(4) The Central Government may hand over the proceeds of the cess collected under this section in respect of the goods manufactured or produced by any scheduled industry or group of scheduled industries to the Development Council

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established for that industry or group of industries, and where it does so, the Development Council shall utilise the said proceeds—

(*a*) to promote scientific and industrial research with reference to the scheduled industry or group of scheduled industries in respect of which the Development Council is established ;

(*b*) to promote improvements in design and quality with reference to the products of such industry or group of industries ;

(*c*) to provide for the training of technicians and labour in such industry or group of industries ;

(*d*) to meet such expenses in the exercise of its functions and its administrative expenses as may be prescribed.

CHAPTER III

REGULATION OF SCHEDULED INDUSTRIES.

10. Registration of existing industrial undertakings.—(*1*) The owner of every existing industrial undertaking and the owner of any industrial undertaking for the establishment of which effective steps have been taken, not being the Central Government, shall, within a period of six months from the commencement of this Act, register the undertaking in the prescribed manner.

(*2*) The Central Government shall also cause to be registered in the same manner every existing industrial undertaking of which it is the owner.

11. Licensing of new industrial undertakings.—(*1*) No person or authority other than the Central Government, shall, after the commencement of this Act, establish any new industrial undertaking, except under and in accordance with a licence issued in that behalf by the Central Government :

Provided that a Government other than the Central Government may, with the previous permission of the Central Government, establish a new industrial undertaking.

(*2*) A licence or permission under sub-section (1) may contain such conditions including, in particular, conditions as to the location of the undertaking and the minimum standards in respect of size to be provided therein as the Central Government may deem fit to impose in accordance with the rules, if any, made under section 30.

12. Revocation and amendment of licences in certain cases.—(*1*) If the Central Government is satisfied, either on a reference made to it in this behalf or otherwise, that any person or authority, to whom or to which, a licence has been issued under section 11, has, without reasonable cause, failed to establish or to take effective steps to establish the new industrial undertaking in respect of which the licence has been issued within the time specified therefor or within such extended time as the Central Government may think fit to grant in any case, it may revoke the licence.

(*2*) Subject to any rules that may be made in this behalf, the Central Government may also vary or amend any licence issued under section 11 :

Provided that no such power shall be exercised after effective steps have been taken to establish the new industrial undertaking in accordance with the licence issued in this behalf.

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13. Licensing of substantial expansions of industrial undertakings.—The provisions of sections 11 and 12 shall apply in relation to the effecting of any substantial expansion of an industrial undertaking as they apply in relation to the establishing of any new industrial undertaking.

Explanation.—For the purposes of this section "substantial expansion" means the expansion of an existing industrial undertaking which is of such a nature as to amount virtually to a new industrial undertaking, but does not include any such expansion as is normal to the undertaking having regard to its nature and the circumstances relating to such expansion.

14. Procedure for the grant of licence or permission.—Before granting any licence or permission under section 11 or section 13, the Central Government may require such officer or authority as it may appoint for the purpose, to make a full and complete investigation in respect of applications received in this behalf and report to it the result of such investigation and in making any such investigation, the officer or authority shall follow such procedure as may be prescribed.

15. Power to cause investigation to be made into scheduled industries or industrial undertakings.—Where the Central Government is of the opinion that—

(*a*) in respect of any scheduled industry or industrial undertaking or undertakings—

(*i*) there has been, or is likely to be, a substantial fall in the volume of production in respect of any article or class of articles relatable to that industry or manufactured or produced in the industrial undertaking or undertakings, as the case may be; for which, having regard to the economic conditions prevailing, there is no justification; or

(*ii*) there has been, or is likely to be, a marked deterioration in the quality of any article or class of articles relatable to that industry or manufactured or produc d in the industrial undertaking or undertakings, as the case may be, which could have been or can be avoided; or

(*iii*) there has been or is likely to be a rise in the price of any article or class of articles relatable to that industry or manufactured or produced in the industrial undertaking or undertakings, as the case may be, for which there is no justification; or

(*iv*) it is necessary to take any such action as is provided in this Chapter for the purpose of conserving any resources of rational importance which are utilised in the industry or the industrial undertaking or undertakings, as the case may be; or

(*b*) any industrial undertaking is being managed in a manner likely to cause serious injury or damage to the interests of the consumers or a substantial body thereof, for whom the articles or any class of articles manufactured or produced therein are or is intended;

the Central Government may make or cause to be made a full and complete investigation into the circumstances of the case by such person or body of persons as it may appoint for the purpose.

16. Powers of Central Government on completion of investigation under section 15.—(*1*) If after making or causing to be made any such investigation as is referred to in section 15, the Central Government is satisfied that action under this section is desirable, it may issue such directions to the industrial undertaking or undertakings

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concerned as may be appropriate in the circumstances for all or any of the following purposes, namely :—

(*a*) regulating the production of any article or class of articles by the industrial undertaking or undertakings and fixing the standards of production ;

(*b*) requiring the industrial undertaking or undertakings to take such steps as the Central Government may consider necessary to stimulate the development of the industry to which the undertaking or undertakings relates or relate ;

(*c*) prohibiting the industrial undertaking or undertakings from resorting to any act or practice which might reduce its or their production, capacity or economic value ;

(*d*) controlling the prices, or regulating the distribution, of any article or class of articles which have been the subject matter of investigation.

(*2*) Where a case relating to any industry or industrial undertaking or undertakings is under investigation, the Central Government may issue at any time any direction of the nature referred to in sub-section (*1*) to the industrial undertaking or undertakings concerned, and any such direction shall have effect until it is varied or revoked by the Central Government.

17. Special provisions for direct control by Central Government in certain cases.—(*1*) If after a direction has been issued in pursuance of section 16, the Central Government is of opinion that the direction has not been complied with and that any industrial undertaking in respect of which the direction has been issued is being managed in a manner highly detrimental to the scheduled industry concerned or to the public interest, the Central Government may, by notified order, authorise for a period not exceeding five years any person or a Development Council or any other body of persons (hereinafter referred to as the authorised person) either to take over the management of the whole or any part of the undertaking in supersession of any other person or body of persons in charge thereof or to exercise with respect to the whole or any part of such undertaking such functions of control as may be provided by that order.

(*2*) Where the authorised person has been authorised to take over the management of the industrial undertaking, he shall take all such steps as may be necessary to take into his custody or under his control all the property, effects and actionable claims to which the industrial undertaking is or appears to be entitled, and all the property and effects of the industrial undertaking shall be deemed to be in the custody of the authorised person as from the date of the notified order.

(*3*) Where the authorised person has been authorised to exercise any functions of control in relation to an industrial undertaking, the undertaking, shall be carried on in accordance with any directions given by the authorised person in accordance with the provisions of the notified order and any person having any functions of management in relation to the undertaking or part thereof shall comply with any such directions.

(*4*) The authorised person shall in all cases exercise his functions in accordance with any instructions given to him by the Central Government, so, however, that he shall not have any power to give to any other person any directions under this section inconsistent with the provisions of any Act or instrument determining the functions of the authority carrying on the undertaking except in so far as may be specifically provided by the order.

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(5) If at any time it appears to the Central Government on the application of the owner of the industrial undertaking or otherwise, that the purpose of the order made under this section has been fulfilled or that for any other reason, it is not necessary that the order should remain in force, the Central Government may, by notified order, cancel such order and on the cancellation of any such order, the management or the control, as the case may be of the industrial undertaking shall vest in the owner of the undertaking.

(6) Any order made under this section shall have effect, notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

18. Power of person or body of persons appointed under section 15 to call for assistance in any investigation.—(1) The person or body of persons appointed to make any investigation under section 15 may choose one or more persons possessing special knowledge of any matter relating to the investigation to assist him or it in holding the investigation.

(2) The person or body of persons so appointed shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of taking evidence on oath (which he or it is hereby empowered to administer) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the person or body of persons shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER IV.

MISCELLANEOUS.

19. Powers of Inspection.—(1) For the purpose of ascertaining the position or working of any industrial undertaking or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the Central Government in this behalf shall have the right—

(a) to enter and inspect any premises;

(b) to order the production of any document, book, register or record in the possession or power of any person having the control of, or employed in connection with, any industrial undertaking; and

(c) to examine any person having the control of, or employed in connection with, any industrial undertaking.

(2) Any person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

20. General prohibition of taking over management or control of industrial undertakings.—After the commencement of this Act, it shall not be competent for any State Government or a local authority to take over the management or control of any industrial undertaking under any law for the time being in force which authorises any such Government or local authority so to do.

21. Certain administrative expenses of Development Councils to be paid from moneys provided by Parliament.—Such administrative expenses as relate to the emoluments of officers of a Development Council who are appointed by or with the

approval of the Central Government, shall be defrayed out of moneys provided by Parliament.

22. Power of the Central Government to issue directions to Development Councils.—In the exercise of its functions under this Act, every Development Council shall be guided by such instructions as may be given to it by the Central Government and such instructions may include directions relating to the manner in which, and the purpose for which, any proceeds of the cess levied under section 9 which may have been handed over to it, shall be expended.

23. Questions relating to amount of capital invested in and undertaking to be decided by Central Government.—If, for the purpose of section 4, any question arises with respect to the amount of capital invested in an industrial undertaking, the decision of the Central Government thereon shall be final.

24. Penalties.—(*1*) Whoever contravenes or attempts to contravene, or abets the contravention of, the provisions of sub-section (*1*) of section 10 or of sub-section (*1*) of section 11, or of sub-section (*1*) of section 11 read with section 13, or of sub-section (*3*) of section 17 or of any direction issued under section 16, or of any rule the contravention of which is punishable under this section shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(*2*) If the person contravening any of the said provisions is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*3*) Notwithstanding anything contained in sub-section (*2*), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation —For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director" in relation to a firm means a partner in the firm.

25. Power to delegate.—The Central Government may, by notified order, direct that any power exercisable under this Act by it, other than the power specified in section 16 and sub-section (*1*) of section 17 may be exercised in such cases and subject to such conditions, if any, as may be specified in the order by such officer or authority (including in the said expressions any Development Council, State Government, officer or authority of the State Government) as may be specified in the direction.

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26. Previous sanction of Central Government for prosecutions.—No prosecution for any offence punishable under section 24 shall be instituted except with the previous sanction of the Central Government.

27. Jurisdiction of courts.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under section 24.

28. Exemption in special cases.—The Central Government may, if satisfied that it is in the public interest so to do, exempt any scheduled industry or any industrial undertaking for such period as it may specify, from the operation, of all or any of the provisions of this Act or any rules made thereunder.

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding, whatever, shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

30. Power to make rules.—(*1*) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the constitution of the Advisory Council and Development Councils, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling casual vacancies among, members of the Advisory Council or a Development Council ;

(*b*) the form of the statement of account to be furnished by a Development Council ;

(*c*) the intervals at which, the time within which, and the manner in which the cess leviable under section 9, shall be payable and the rebate for the prompt payment of such cess ;

(*d*) the expenses which a Development Council may meet from the proceeds of the cess levied under section 9, which may have been handed over to it;

(*e*) the appointment by or with the approval of the Central Government of any officers of a Development Council ;

(*f*) the facilities to be provided by any industrial undertaking for the training of technicians and labour ;

(*g*) the collection of any information or statistics in respect of any scheduled industry ;

(*h*) the manner in which industrial undertakings may be registered under section 10 and the levy of a fee therefor ;

(*i*) the procedure for the grant or issue of licences and permissions under section 11 or section 13, the time within which such licences or permissions shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such public inquiry in relation thereto as may be necessary in the circumstances ;

(*j*) the fees to be levied in respect of licences and permissions issued under this Act ;

(*k*) the matters which may be taken into account in the granting or issuing of licences and permissions, including in particular, the previous consultation by the Central Government with the Advisory Council or any Development Council or both in regard to the grant or issue of any such licences or permission ;

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(*l*) the procedure to be followed in making any investigation under this Act;

(*m*) the conditions which may be included in any licences and permissions;

(*n*) the conditions on which licences and permissions may be varied or amended under section 12;

(*o*) the maintenance of books, accounts and records relating to an industrial undertaking;

(*p*) the submission of special or periodical returns relating to an industrial undertaking by persons having the control of or employed in connection with, such undertaking, and the forms in which, and the authorities to which, such returns and reports shall be submitted;

(*q*) any other matter which is to be or may be prescribed under this Act.

(*3*) Any rule made under this section may provide that a contravention thereof shall be punishable under section 24.

(4) All rules made under this section shall be laid for not less than seven days before parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid, or the session immediately following.

31. Application of other laws not barred.—The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other Central Act for the time being in force, relating to any of the scheduled industries.

32. Amendment of section 2, Act XIV of 1947.—In section 2 of the Industrial Disputes Act, 1947 (XIV of 1947),—

(*a*) in sub-clause (*i*) of clause (*a*), after the words "by a railway company" the words "or concerning any such controlled industry as may be specified in this behalf by the Central Government" shall be inserted;

(*b*) after clause (*e*), the following clause shall be inserted, namely :—

'(*ee*) "controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;.

THE FIRST SCHEDULE.

[*See* sections 2 and 3 (*i*)].

Any industry engaged in the manufacture or production of any of the following, namely :—

(1) Aircraft.
(2) Arms and ammunition.
(3) Coal, including coke and other derivatives.
(4) Iron and steel.
(5) Mathematical and scientific instruments.
(6) Motor and aviation fuel, kerosene, crude oils and synthetic oils.
(7) Ships and other vessels propelled by the agency of steam, or by eletricity or other mechanical power.
(8) Sugar.
(9) Telephones, telegraph apparatus and wireless communication apparatus.

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(10) Textiles made wholly or in part of cotton or jute.
(11) Automobiles, including tractors.
(12) Cement.
(13) Electric lamps and fans.
(14) Electric motors.
(15) Heavy chemicals including fertilizers.
(16) Heavy machinery used in industry including ball and roller bearing and gear wheels and parts thereof, boilers and steam generating equipment.
(17) Locomotives and rolling stock.
(18) Machine tools.
(19) Machinery and equipment for the generation, transmission and distribution of electric energy.
(20) Non-ferrous metals including alloys.
(21) Paper including newsprint and paper board.
(22) Pharmaceuticals and drugs.
(23) Power and industrial alcohol.
(24) Rubber goods.
(25) Leather and leather goods.
(26) Textiles made of wool.
(27) Vanaspati and vegetable oils.
(28) Agricultural implements.
(29) Batteries, dry cells and storage.
(30) Bicycles and parts thereof.
(31) Hurricane lanterns.
(32) Internal combustion engines.
(33) Power-driven pumps.
(34) Radio receivers.
(35) Sewing and knitting machines.
(36) Small and hand tools.
(37) Glass and ceramics.

THE SECOND SCHEDULE.

[*See* section 6(*4*)].

Functions which may be assigned to Development Councils:—

(1) Recommending targets for production, co-ordinating production programmes and reviewing progress from time to time.

(2) Suggesting norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs.

(3) Recommending measures for securing the fuller utilisation of the installed capacity and for improving the working of the industry, particularly of the less efficient units.

(4) Promoting arrangements for better marketing and helping in the devising of a system of distribution and sale of the produce of the industry which would be satisfactory to the consumer.

(5) Promoting standardisation of products.

(6) Assisting in the distribution of controlled materials and promoting arrangements for obtaining materials for the industry.

(7) Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilisation, including the discovery and development of new materials, equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale.

(8) Promoting the training of persons engaged or proposing engagement in the industry and their education in technical or artistic subjects relevant thereto.

(9) Promoting the retraining in alternative occupations of personnel engaged in or retrenched from the industry.

(10) Promoting or undertaking scientific and industrial research, research into matters affecting industrial psychology and research into matters relating to production and to the consumption or use of goods and services supplied by the industry.

(11) Promoting improvements and standardisation of accounting and costing methods and practice.

(12) Promoting or undertaking the collection and formulation of statistics.

(13) Investigating possibilities of decentralizing stages and processes of production with a view to encouraging the growth of allied small scale and cottage industries.

(14) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers.

(15) Advising on any matters relating to the industry (other than remuneration and conditions of employment) as to which the Central Government may request the Development Council to advice and undertaking inquiries for the purpose of enabling the Development Council so to advise, and

(16) Undertaking arrangements for making available to the industry information obtained and for advising on matters with which the Development Councils are concerned in the exercise of any of their functions.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1521—Legis. 4-51-63, dated Bangalore, 12th November 1951.

Ordered that the Press (Objectionable Matter) Act, 1951 (Central Act No. LVI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 23rd October 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

THE PRESS (OBJECTIONABLE MATTER) ACT, 1951.

(AS PASSED BY PARLIAMENT)

(Received the assent of the President on the 23rd October 1951)

AN

ACT

to provide against the printing and publication of incitement to crime and other objectionable matter.

BE it enacted by Parliament as follows :—

ACT No. LVI OF 1951.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Press (Objectionable Matter) Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and shall remain in force for a period of two years from the date of its commencement.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced;

(*b*) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(*c*) "competent authority" means any officer empowered in this behalf by a general or special order of the State Government;

(*d*) "document" includes also any painting, drawing or photograph or other visible representation;

(*e*) "newspaper" means any periodical work containing public news or comments on public news;

(*f*) "news-sheet" means any document other than a newspaper containing public news or comments on public news;

(*g*) "press" means a printing press, and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;

(*h*) "Press Registration Act" means the Press and Registration of Books Act, 1867 (XXV of 1867);

(*i*) "Sessions Judge", in relation to the presidency town of Calcutta or of Madras, means the Chief Presidency Magistrate;

(*j*) "unauthorised newspaper" means—

(*i*) any newspaper in respect of which security has been required under this Act but has not been furnished as required, **or**

(*ii*) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(*k*) "unauthorised news-sheet" means any news-sheet in respect of which security has been required under this Act but has not been **furnished as required**;

(*l*) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act.

3. Objectionable matter defined.—In this Act, the expression "objectionable matter" means any words, signs or visible representations which are likely to—

(*i*) incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(*ii*) incite or encourage any person to commit murder, sabotage or any offence involving violence; or

(*iii*) incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or with essential services; or

(*iv*) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(*v*) promote feelings of enmity or hatred between different sections of the people of India:

or which—

(*vi*) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

15B

Explanation I.—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different sections of the people of India, shall not be deemed to be objectionable matter within the meaning of this section.

Explanation II.—In judging whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher of the newspaper or news-sheet, as the case may be, shall be taken into account.

Explanation III.—'Sabotage' means the doing of damage to plant or stocks, or to bridges, roads and the like with intent to destroy or injuriously to affect the utility of any plant or service or means of communication.

CHAPTER II.

PRINTING AND PUBLICATION OF OBJECTIONABLE MATTERS.

4. Power to demand security from presses in certain cases.—Whenever upon complaint made to him in writing by the competent authority and enquiry made in the manner hereinafter provided, a Sessions Judge is satisfied—

(*a*) that any press kept within the local limits of his jurisdiction is used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for demanding security from the keeper of the press under this section,

the Sessions Judge shall, by order in writing, direct the keeper of the press to deposit as security within twenty-one days from the date of the order, such amount as the Sessions Judge may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose:

Provided that if, having regard to all the circumstances, the Sessions Judge is satisfied that the requirements of the case will be met by a warning, he may, instead of demanding security, record such warning.

5. Power to forfeit to security or demand further security.—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, the Sessions Judge is satisfied—

(*a*) that any press in respect of which any security has been ordered to be deposited under section 4 or under this section is thereafter used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for making an order under this section,

the Sessions Judge shall, by order in writing,—

(*i*) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

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(*ii*) direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the Sessions Judge may deem fit to require,

and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Government.

6. Consequences of failure to deposit security as required under section 4 or section 5.—(*1*) Where the keeper of a press is required under section 4 or section 5 to deposit any amount as security and the deposit is not made within the time allowed,—

(*a*) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled ;

(*b*) notwithstand anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under that Act in respect of the press unless he deposits with the Magistrate as security the same amount as was required of the keeper of the press under section 4 or section 5, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose ; and

(*c*) the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(*2*) Where any press is used in contravention of clause (*c*) of sub-section (*1*), any Magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and, after hearing him and on being satisfied that there are grounds for passing the order, declare the press or any part thereof to be forfeited to the Government :

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press deposit the required amount within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of press.

7. Powers to demand security from newspapers and news-sheets in certain cases.—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, a Sessions Judge is satisfied—

(*a*) that a newspaper or news-sheet published within the local limits of his jurisdiction contains any objectionable matter, and

(*b*) that there are sufficient grounds for demanding security from the publisher of the newspaper or news-sheet under this section,

the Sessions Judge shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit as security within twenty-one days from the date of the order, such amount as the Sessions Judge may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose.

8. Power to forfeit security or demand further security.—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, the Sessions Judge is satisfied—

(*a*) that any newspaper or news-sheet in respect of which any security has been ordered to be deposited under section 7 or under this section thereafter publishes any objectionable matter, and

(*b*) that there are sufficient grounds for making an order under this section,

the Sessions Judge shall, by order in writing,—

(*i*) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(*ii*) direct the publisher of the newspaper or news-sheet to deposit within twenty-one days from the date of the order such further security as the Sessions Judge may deem fit to require,

and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Government.

9. Consequences of failure to deposit security as required under Section 7 or section 8.—(*1*) Where the publisher of a newspaper is required under section 7 or section 8 to deposit any amount as security and the deposit is not made within the time allowed,

(*a*) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled ; and

(*b*) notwithstanding anything contained in the Press Registration Act, no person shall make, or be allowed to make, a fresh declaration before a Magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless he deposits with the Magistrate as security the same amount as was required of the publisher of the newspaper under section 7 or section 8, as the case may be, in money or the equivalent thereof in Government Securities as the person making the deposit may choose.

(*2*) Where a deposit is required from the publisher of a newspaper or news-sheet under section 7 or section 8, no press shall, after the expiry of the time allowed to make the deposit, be used for the printing or publishing of such newspaper or news-sheet, without permission of the Government, until the deposit has been made.

(*3*) The keeper of any press who knowingly contravenes the provisions of sub-section (*2*) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention under this sub-section in respect of the same newspaper or news-sheet, the Court may also direct that the press or any part thereof shall be forfeited to Government :

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order or forfeiture, and if the keeper of the press deposits the required amount within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of the press.

10. Amount of security.—The amount of security, required to be deposited by the keeper of a press or the publisher of any newspaper or news-sheet under section 4 or section 5 or section 7 or section 8, shall be fixed with due regard to the circumstances of the case and shall not be excessive, and shall, in no case, be larger than the amount specified in the complaint under section 16.

11. Power of Government to declare certain publications forfeited.—The State Government may, on the certificate of the Advocate-General or the principal law officer, as the case may be, of the State or of the Attorney-General of India that any

issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Government.

12. Power to detain packages containing certain publications when imported.—(1) The chief customs officer or other officer authorised by the State Government in this behalf may detain any package brought whether by land, sea or air into the territories to which this Act extends in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter, and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct.

(2) Any person aggrieved by any action taken under sub-section (1) may apply to the State Government for review and the State Government may pass such orders thereon as it thinks fit.

13. Prohibition of transmission by post of certain documents.—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

(2) Any officer in charge of a post office or authorised in this behalf by the Postmaster-General may detain in course of transmission by post any article, other than a letter, which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of the article and its contents as he deems proper, and if he is not so satisfied, he shall return the article to the post office for transmission to the addressee.

14. Power to seize and destroy unauthorised news-sheets and newspapers.—(1) Any police officer or any other person empowered in this behalf by the State Government may seize any unauthorised newspaper or unauthorised news-sheet.

(2) Any Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class may, by warrant authorise any police officer, not below the rank of sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any document found in such place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents or unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code.

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15. Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.—(*1*) Where a Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate, has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer not below the rank of sub-inspector to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be and if in the opinion of such police officer any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any documents found in the place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(*2*) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court as soon as may be all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(*3*) If such Court after such inquiry as it may deem requisite is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Government, but if after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code.

(*4*) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (*4*) of section 14.

CHAPTER III

PROCEDURE

Inquiry before Sessions Judges

16. Contents of complaint.—Every complaint to the Sessions Judge under this Act against any person (hereinafter referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded.

17. Issue of notice.—On receipt of a complaint from the competent authority, the Sessions Judge shall issue notice thereof to the respondent calling upon him to appear and show cause on a date to be specified in the notice why such action as may be appropriate in the circumstances of the case should not be taken against him under this Act.

18. Procedure for inquiries.—(*1*) When the respondent appears before the Sessions Judge in compliance with a notice under section 17, the Sessions Judge shall settle the points for determination and proceed to inquire into the complaint, and after taking such evidence as may be produced and after hearing the parties, pass such orders under this Act as he may think fit.

(2) Any inquiry under this Act shall be made, as nearly as may be practicable, in the manner prescribed for conducting trials in summons cases by Magistrates under the Code except that evidence shall be recorded in full.

19. Non-appearance of respondent.—If upon the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the Sessions Judge shall proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and pass such orders under this Act as he may think fit:

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the Sessions Judge is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

20. Jury.—(1) If in any inquiry before a Sessions Judge under this Act, the respondent claims to have the matter determined with the aid of a jury, the provisions hereinafter contained shall apply.

(2) Every such jury shall consist of five persons and shall be chosen from the persons summoned to act as such from the list of persons prepared under sub-section (3).

(3) Such officer as may be appointed by the State Government in this behalf shall prepare and make out in alphabetical order a list of persons residing within the State who by reason of their journalistic experience or of their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors.

(4) The list shall contain the name, the place of residence and occupation of every such person.

(5) In so far as the provisions of parts C, E, F and K of Chapter XXIII of the Code can be made applicable consistently with the provisions of this Act, the provisions of the said parts C, E and F shall apply to all inquiries under this section, and the provisions of the said part K shall apply to the preparation and revision of lists of jurors under this section.

21. Conclusion of inquiry made with the aid of a jury.—(1) Where in an inquiry made with the aid of a jury the Sessions Judge does not think it necessary to express disagreement with the opinion of the jurors or a majority of the jurors, he shall pass orders accordingly.

(2) If in any such inquiry the Sessions Judge disagrees with the opinion of the jurors and is of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion.

(3) In dealing with the case so submitted, the High Court may exercise any of the powers conferred on a Sessions Judge by this Act.

22. Admissibility of previous and subsequent issues.—In any inquiry before a Sessions Judge with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representations in respect of which the complaint is made.

Appeal and Application to High Court. 160

23. Appeal to High Court against order of Sessions Judges.—Any person against whom an order is passed by a Sessions Judge under section 4, section 5, section 7, or section 8 may, within sixty days of the date of such order, prefer an appeal to the High Court and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

24. Application to High Court against orders of forfeiture.—Any person aggrieved by an order of forfeiture passed by the State Government under section 11 or by a Magistrate under sub-section (2) of section 6 or sub-section (3) of section 9 or by any order under sub-section (2) of section 12 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application, the High Court may pass such order as it deems fit confirming, varying or reversing the order of the State Government or the Magistrate, and may pass such consequential or incidental orders as may be necessary.

25. Procedure in High Court.—Every High Court may frame rules to regulate the procedure in respect of cases submitted to it under section 21, appeals under section 23, and applications under section 24, costs in such proceedings and the execution of orders passed therein, and until such rules are framed, the practice of such High Court in proceedings in respect of reference, appeal and revision shall apply, in so far as may be practicable, to such cases, appeals and applications.

CHAPTER IV.

PENALTIES.

26. Penalty for keeping press or publishing newspaper without making deposit.—(*1*) Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under section 4 or section 5 shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

(*2*) Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

27. Penalty for dissemination unauthorised newspapers and unauthorised news-sheets.—Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V

MISCELLANEOUS

28. Service of notices.—Every notice under this Act shall be served in the manner provided for the service of summonses under the Code:

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate as described in the keeper's declaration under section 4 of the Press Registration Act, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act, and thereupon the notice shall be deemed to have been duly served.

29. Issue of search warrants in certain cases.—(*1*) Where any press is, or any copies of any newspaper, news-sheet, book or other document are, declared forfeited to Government under this Act, the State Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of sub-inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(*a*) where any such property may be, or may be reasonably suspected to be, or

(*b*) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), where any newspaper, news-sheet, book or other document is declared forfeited to Government, it shall be lawful for any police officer to seize the same wherever found.

30. Conduct of searches.—Every warrant issued under this Act, shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code.

31. Power to transfer cases.—Whenever it appears to the High Court or, as the case may be, the Central Government that the transfer of any particular inquiry under this Act from one Sessions Judge to another will be convenient or will promote the ends of justice, such transfer may be directed—

(*a*) where both the Sessions Judges are subject to the appellate jurisdiction of a High Court, by that High Court; and

(*b*) in any other case by the Central Government.

32. Return of security in certain cases.—Where any keeper of a press or publisher of a newspaper or news-sheet has deposited any amount as security or further security as required under section 4 or section 5 or section 7 or section 8 and no further action has been taken in respect of the press or newspaper or news-sheet under this Act for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Magistrate, within whose jurisdiction such press is situate, or, as the case may be, such newspaper or news-sheet is published, for the return of the security in deposit; and thereupon such security shall, upon proof of the claim of the applicant to the satisfaction of the Magistrate, be returned to such person,

33. Bar of jurisdiction.—Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court except the High Court on appeal or application under section 23 or section 24, and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

34. Bar of double penalty.—Notwithstanding anything contained in this Act, no keeper of a press or publisher of any newspaper or news-sheet shall be prosecuted under section 26, if for the same act or omission such person has been proceeded against under section 4 or section 5 or section 7 or section 8 nor shall any such person be proceeded against under section 4 or section 5 or section 7 or section 8, if for the same act or omission such person has been prosecuted under section 26.

35. Cognizibility of offences under this Act.—Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of any such offence shall be cognizable and bailable.

36. Amendment of sections 4 and 8, Act XXV of 1867.—In the Press and Registration of Books Act, 1867.—

(*a*) in section 4, for the words "the Magistrate" the words "the District, Presidency or Sub-Divisional Magistrate" shall be substituted ; and

(*b*) in section 8, for the words 'any Magistrate" the words "any District, Presidency or Sub-Divisional Magistrate" shall be substituted.

37. Repeals.—(*1*) The Acts specified in the First Schedule are hereby repealed.

(*2*) Any provision contained in any of the Provincial or State Acts specified in the Second Schedule, in so for as it imposes any retstrictions on the printing, publication or distribution of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof, or for the demand of security from the printer or publisher, or in any other manner, shall cease to have effect.

THE FIRST SCHEDULE

[*See* section 37 (*1*)]

CENTRAL ACTS 163

1. The Indian States (Protection against Disaffection) Act, 1922.
2. The Press (Emergency Powers) Act, 1931 (XXIII of 1931).
3. The Foreign Relations Act, 1932 (XII of 1932).
4. The Indian States (Protection) Act, 1934 (XV of 1934).

STATE ACTS

1. The Hyderabad Press and Printing Establishment Act (XII of 1357F).
2. The Madhya Bharat Press (Emergency Powers) Act, 1950 (LXIX of 1950).
3. The Mysore Press and Newspapers Act, 1940 (XIV of 1940)
4. The Patiala and East Punjab States Union Press (Emergency Powers) Ordinance, 2006 (XIV of 2006)
5. The Rajasthan Press Control Ordinance, 1949 (XLVI of 1949).

THE SECOND SCHEDULE.

[*See* section 37 (*2*)]

1. The Assam Maintenance of Public Order Act, 1947 (V of 1947).
2. The Bihar Maintenance of Public Order Act, 1949 (III of 1950).
3. The Bombay Public Security Measures Act, 1947 (VI of 1947).
4. The Madhya Pradesh Public Security Measures Act, 1950 (XXIII of 1950).
5. The Madras Maintenance of Public Order Act, 1949 (XXIII of 1949).
6. The Orissa Maintenance of Public Order Act, 1950 (X of 1950).
7. The West Bengal Security Act, 1950 (XIX of 1950).
8. The United State of Gwalior, Indore and Malwa (Madhya Bharat) Maintenance of Public Order Act, Samvat 2005 (VII of 1949).
9. The Patiala and East Punjab States Union Public Safety Ordinance, 2006 (VII of 2006).
10. The Rajasthan Public Security Ordinance, 1949 (XXVI of 1949).
11. The Saurashtra Public Safety Measures Ordinance, 1948 (IX of 1948)
12. The Travancore-Cochin Safety Measures Act, 1950 (V of 1950).
13. The Bhopal State Public Safety Act, 1947 (V of 1947).

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications
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PART IV. 169

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1101—Legis. 5-51-43, dated Bangalore, 20th September 1951.

Ordered that Notification No. S.R.O. 1260, dated the 11th August 1951, of the Ministry of Works, Production and Supply, amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 18th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

CENTRAL BOILERS BOARD.

New Delhi, the 11*th August* 1951.

S R.O. 1260.—In exercise of the powers conferred by section 28 of the India Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In the said Regulations, in clause (2) of regulation I, for the words and letter "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted.

[No. M/BL-12(6)-PART II.]

N. P. DUBE, Secy., Central Boilers Board.

NOTIFICATION. 165

No L.D. 1681—Legis. 6-51-41, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S.R.O. 1709, dated the 29th October 1951 of the Ministry of Home Affairs under the Press (Objectionable Matter) Act, 1951, appointing the 1st February 1952 as the date on which the said Act shall come into force, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th October 1951.

S.R.O. 1709.—In exercise of the powers conferred by sub-section (3) of section 1 of the Press (Objectionable Matter) Act, 1951, (LVI of 1951), the Central Government hereby appoints the 1st February 1952 to be the date on which the said Act shall come into force.

[No. 25/18/51-Poll.]

H. V. R. IENGAR, Secy.

NOTIFICATION.

No. A.F. 9130—I. & S. 3-51-2, dated Bangalore, 15th January 1952.

The accompanying Notification No. 1 (1)-4 (76), dated 3rd February 1951, of the Government of India, Ministry of Commerce and Industry, New Delhi, directing that a further amendment be made in the Notification of the Government of India, Ministry of Industry and Supply No. 1 (1)-4 (41), dated 7th September 1950, is

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republished for the information of the general public and Registered Dealers in iron and steel.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 3rd March 1951.

NOTIFICATION.

No. I (1)-4 (76)A. In exercise of the powers conferred by sub-clause (b) of Clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I (1)-4 (78)A, dated the 6th January 1951, namely :—

To the Schedule annexed to the said Notification, the following entry shall be added, namely :—

" Iron and Steel Controller, Government of Mysore, Bhadravati."

N. R. REDDY,

Under Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV 167

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. M. 18644—G.M. 12-51-12, dated Bangalore, 18th January 1952.

In exercise of the powers conferred by section 6 and section 9 of the Indian Christian Marriage Act, 1872 (Central Act XV of 1872), His Highness the Maharaja of Mysore is pleased to revoke the licence granted in Notification No. M. 22061—G.M. 51-50-12, dated 15th February 1951, to Rev. B. H. Jackayya, a Minister of the Missouri Lutheron Mission, Bangalore, to solemnise marriages, and grant certificates of marriage between Indian Christians.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. (B) 3719-30—Inv. 28-51-2, dated Bangalore, 10th January 1952.

His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Government Savings Banks Rules :—

In sub-rule (6) of Rule 53A.—

for the word "Comptroller", the words "Deputy Commissioner of the District having jurisdiction over the Treasury" shall be substituted.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 4120—L.W. 262-51-4, dated Bangalore, 18th January 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to exempt the following establishments from the provisions of Section 11 (1) of the said act :—

All shops mainly dealing in fruits, betel leaves, plantain leaves and eggs.

By Order of His Highness the Maharaja,

No. L.S. 4194—L.W. 29-51-25, dated Bangalore, 23rd January 1952.

The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees under any local authority specified in the schedule annexed hereto, which it is proposed to fix in pursuance of clause (*a*) of sub-section (1) of Section 3 read with clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (Central Act XI of 1948), is published as required by clause (*b*) of sub-section (1) of Section 5 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 24th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Government.

SCHEDULE.

Serial No.	Category for Employees.	Proposed minimum all-inclusive rates of wages (Daily).
(1)	(2)	(3)
	Scavengers and Sweepers	Rs. a. p.
1.	Men ...	1 2 0
2.	Women ...	1 0 0

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.D. 8508—C. 36-51-159, dated Bangalore, 21st January 1952. 169

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O 703, dated the 4th October 1950, as amended by Notification No. C.G. 603 (3)—XXI (1), dated the 21st July 1951, and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to make the following Order, namely :—

ORDER.

1. Notwithstanding anything contained in the Order made in the Public Health, Food and Civil Supplies Secretariat Notification No. S.D. 5224—C. 69-49-13, dated the 17th December 1949, no person other than a keeper of a Rice Mill, who keeps a huller for hulling paddy shall hull or undertake to hull paddy by means of his huller in any part of the State up to 1st May 1952.

2. No person shall manufacture "పురి" (Puri) in any part of the State up to the 1st May 1952.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

be laid down by the Board or the Chairman, as the case may be."

16. Section 23-A of the Act shall be omitted.

Omission of section 23-A.

17. For section 25 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 25 of Mysore Act V of 1945.

"25. (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify :

Forming of new extensions or lay-outs or making new private streets.

Provided that where any such extension or lay-out lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Corporation :

Provided further that where the Corporation and the Board do not agree, on the formation of or the conditions relating to the extension or lay-out the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply

also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board,

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) if the lay-out in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or

make the street until orders have been passed by the Board after the receipt of such information :

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees."

18. After section 25 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 25-A and 25-B in Mysore Act V of 1945.

"25-A. (1) If any person forms an extension or lay-out or makes any street referred to in section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice— Alteration or demolition of extension, lay-out or street.

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

25-B. (1) The Chairman may,

(*a*) if any person who applies for permission under section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out ; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman ;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

Amendment of section 30 of Mysore Act V of 1945.

19. In sub-section (2) of section 30 of the said Act, the following item shall be added at the end, namely :—

"(c) Subject to the provisions of section 18-L, betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

20. In section 32 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 32 of Mysore Act V of 1945.

21. For the last sentence of section 34 of the said Act, the sentence "A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation", shall be substituted.

Amendment of section 34 of Mysore Act V of 1945.

22. In section 35 of the said Act, for the word "President", the word "Mayor" shall be substituted.

Amendment of section 35 of Mysore Act V of 1945.

23. In section 36 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 36 of Mysore Act V of 1945.

24. In section 37 of the said Act, for the word "Comptroller," the words "Officer or authority appointed by the Government for this purpose" and for the word "President", the word "Mayor" shall be substituted.

Amendment of section 37 of Mysore Act V of 1945.

25. In sub-section (1) of section 39 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added namely :—

Amendment of section 39 of Mysore Act V of 1945.

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs."

26. In section 42 of the said Act,—

Amendment of section 42 of Mysore Act V of 1945.

(i) the word "and" at the end of clause (*a*) shall be omitted;

(ii) clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted, namely,—

"(*b*) for the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed or vested in him by sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made; and"

Amendment of section 43 of Mysore Act V of 1945.

27. In sub-section (1) of section 43 of the said Act after clause (*e*), the following clause shall be inserted namely :—

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

Amendment of section 50 of Mysore Act V of 1945.

28. In section 50 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 51 of Mysore Act V of 1945.

29. In sub-section (1) of section 51 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person", the words "the Board" shall be substituted.

NOTIFICATION.

No. L.D. 1954—Legis. 67-51-1, dated Bangalore, 21st January 1952.

Ordered that the accompanying Mysore Sales-tax (Second Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 13th day of January 1952 be published as Mysore Act No. V of 1952, in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT. No. V of 1952.

THE MYSORE SALES-TAX (SECOND AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Maharaja on the Thirteenth Day of January 1952).

An Act further to amend the Mysore Sales-Tax Act, 1948.

Preamble.

Whereas it is expedient further to amend the Mysore Sales-tax Act, 1948 (Mysore Act XLVI of 1948), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Sales-tax (Second Amendment) Act, 1952.

(2) It shall be deemed to have come into force on the First day of April 1952.

Amendment of Section 2 of Mysore Act XLVI of 1948.

2. Explanation 2 to clause (j) of Section 2 of the Mysore Sales-tax Act, 1948 (hereinafter referred to as the said Act), shall be omitted

Addition of a new Section 27 in Mysore Act XLVI of 1948.

3. After Section 26 of the said Act, the following section shall be added, namely:—

"27. Notwithstanding anything contained in this Act—

Tax not leviable in certain cases.

(*a*) a tax on the sale or purchase of goods shall not be imposed under this Act,

(i) where such sale or purchase takes place outside the State of Mysore; or

(ii) where such sale or purchase takes place in the course of import of the goods into, or export of the goods out of, the territories of India;

(*b*) a tax on the sale or purchase of any goods shall not be imposed where such sale or purchase takes place in the course of inter-State trade or commerce except in so far as Parliament may by law otherwise provide.

Explanation.—For the purposes of sub-clause (i) of clause (*a*), a sale or purchase shall be deemed to have taken place in the State in which the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State.

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PART IV

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1976—Legis. 6-51-50, dated Bangalore, 23rd January 1952.

Ordered that Notification No. S.R.O. 1636, dated the 19th October 1951, of the Ministry of Law amending Notification No. S.R.O. 512, dated the 9th September 1950, issued under rule of Order XXVII of the First Schedule of the Code of Civil Procedure, 1908, published in the *Gazette of India*, Part II, Section 3, dated the 27th October 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 19th October 1951.

S.R.O. 1636.—In exercise of the powers conferred by rule 1, read with clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Law No. S.R.O. 512, dated the 9th September 1950, relating to the authorisation of officers to sign and verify plaints or written statements in any suit by or against the Central Government, namely :—

In part XVII of the Schedule to the said notification, after the words 'Estate Officer' the words 'and the Estate Manager at Bombay or Calcutta' shall be inserted.

[No. F. 33-I/51-L.]

SHRI GOPAL SINGH, Dy. Secy.

NOTIFICATION. 179

No. L.S. 4250—L.W. 268-51-4, dated Bangalore, 28th January 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that there is an industrial dispute existing between the Management of the Steel Construction Co., Ltd., Bangalore, and the workmen employed in the said concern in respect of the matters specified in the schedule below;

And it is necessary to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-3, dated 15th June 1951.

SCHEDULE.

1. Grant of an increment of 25 per cent on the present pay to all the workers.
2. Fixing the minimum daily wage of daily rated workers at Rs. 1-8-0 against Re. 0-12-0 prevailing at present.
3. Payment of Dearness Allowance in accordance with the cost of living index.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Registered No. M. 1175.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 1944—Leg. 66-51-1, Bangalore, dated 19th January 1952.

Ordered that the accompanying Mysore Village Panchayets and District Boards Act, 1952, which received the assent of His Highness the Maharaja, on the 13th day of January 1952, be published as Mysore Act No. IV of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

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MYSORE ACT NO. IV OF 1952.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

(Received the assent of His Highness the Maharaja on the Thirteenth day of January 1952).

An Act to amend and consolidate the law relating to local bodies in rural areas in the State of Mysore.

WHEREAS it is expedient further to amend and consolidate the law relating to local bodies in rural areas in the State of Mysore; Preamble.

It is hereby enacted as follows:—

PART I—GENERAL.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore:

Provided that the Government may, by notification in the *Mysore Gazette*, exclude from the operation of this Act, any village forming part of a local area under the administration of a town board or a sanitary board.

(3) This section shall come into force at once. The other sections of this Act shall come into force in any district or part of a district on such date as the Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "building" includes a house, shop, warehouse, workshop, hut or shed;

(2) "Commissioner" means the Commissioner for Local Self-Government appointed by the Government;

(3) "dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered;

(4) "Deputy Commissioner" includes the officer in charge of the revenue administration of a part of a district declared to be a district under clause (5) for the purposes of this Act;

(5) "district" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a district;

(6) "District Board" means any Board constituted under this Act;

(7) "Government" means the State Government;

(8) "land revenue" means all sums and payments received or claimable by or on behalf of Government, from any person on account of land held by, or vested in, him;

(9) "market" means a place where goods or animals are publicly exposed or brought for sale periodically;

(10) "Panchayet" means a panchayet constituted under this Act;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods;

(13) "public market" means a market which a District Board opens under section 97 or a market the control over which is or may be vested in a Panchayet by the Government;

(14) "taluk" includes a sub-taluk;

(15) "village" means a local area recognised by the Government as a village for purposes of collecting the land revenue and includes a *dakhle* village and an alienated village, but does not include a local area which is constituted as a municipality or a village which is, under the proviso to sub-section (2) of section 1, excluded from the operation of this Act;

(16) "village forest" means a forest constituted as such under the Mysore Forest Act, 1900.

PART II—VILLAGE PANCHAYET.

CHAPTER II.

CONSTITUTION OF PANCHAYET.

Establishment of Panchayets.

3. (1) The Government shall, subject to the provisions of this section and to such rules as may be made by them in this behalf, establish a Panchayet for every village or group of adjoining villages and shall have power by a notification in the *Mysore Gazette* to vary, as occasion may demand, the grouping of villages:

Provided that the Government shall, before a Panchayet is established for a group of villages, or a re-grouping of villages is effected, publish, in such manner as may be prescribed, a notice of their proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) In establishing a Panchayet for a village or group of adjoining villages, the Government shall, as far as may be, establish one Panchayet for a population of not less than 2,000 nor more than 5,000:

Provided that the Government may, in exceptional cases, establish a panchayet for a village or a group of villages with a population of less than 2,000 but more than 1,000.

Incorporation of Panchayets.

4. Every Panchayet shall be a body corporate by such name, being the name of the village or one of the villages in a case where a Panchayet has been established for a group of villages, as the Government may determine and

shall have perpetual succession and a common seal, and shall sue or be sued by the said name. Subject to any rules made by the Government in this behalf; it shall also have power to acquire, hold or transfer property, moveable or immoveable, whether within or without the limits of the area over which it has authority, enter into contracts and do all things necessary for all or any of the purposes of this Act.

Strength of Panchayets and election of members.

5. (1) A Panchayet shall consist of such number of members being not less than 10 nor more than 20 as may be determined by the Government, subject to rules framed by the Government in this behalf:

Provided that where a Panchayet is established for a group of villages, there shall ordinarily be at least one member for each village in the Panchayet.

(2) The members shall be elected, and bye-elections shall also be held, in such manner as may be prescribed.

Reservation of seats.

6. Seats shall be reserved in a Panchayet for the Scheduled Castes, the number of such seats bearing, as nearly as may be, the same proportion to the total number of seats in the Panchayet, as the population of the Scheduled Castes in the village or group of villages served by a Panchayet bears to the total population of the village or villages:

Provided that at least one seat shall be reserved in a Panchayet for the Scheduled Castes:

Provided further that this section shall cease to have effect after ten years from the commencement of this Act.

Provided further that the second proviso to this section shall not affect any representation in a Panchayet until the expiry of the term of office of its members.

Conditions under which a village under one Panchayet may be included under another Panchayet.

7. (1) If two-thirds of the number of voters in a village included within a group of villages under the jurisdiction of a Village Panchayet, elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be brought under its jurisdiction, and after a period of not less than five years, may similarly be

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brought within the jurisdiction of another Village Panchayet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have a Village Panchayet constituted for their village, such village may be constituted as a Village Panchayet under this Act.

8. Every person who is a resident of a village and has completed twenty-one years of age, on such date with reference to each election as may be prescribed by the Government shall, unless disqualified, be entitled to vote at an election of members of the Panchayet of that village. Qualifications of voters.

9. No person may vote— Disqualification of voters.

(*a*) who is of unsound mind; or

(*b*) who is sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months:

Provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed or quashed or;

(*c*) who is adjudicated an insolvent; or

(*d*) who has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure; or

(*e*) who has been removed from office under section 11:

Provided that the disqualification—

(1) under clause (*b*) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases, after three years after the expiry of the sentence;

(2) under clause (*d*), will cease to operate after expiry of the period during which the person is ordered to furnish security;

(3) under clause (*e*), will cease to operate after the expiry of three years from the date of such removal.

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Qualifications of candidates.

10. Every person who is entitled to vote at an election and is not less than twenty-five years of age on the date appointed for the presentation of nominations shall be qualified to be elected as a member.

Removal of members of Panchayet.

11. The Commissioner may, on a resolution of a Panchayet for the removal of a member, passed by a majority of not less than two-thirds of the total number of members, remove such member after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Commissioner shall be final.

Removal of Chairman.

12. The Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Commissioner deems necessary. An appeal shall lie to the Government from the order of the Commissioner.

Vacation of seats.

13. (1) If any person who is not qualified for election is elected to a Panchayet, his seat shall be declared to have become vacant by the Deputy Commissioner and if any member of a Panchayet becomes disqualified during the term for which he has been elected, he shall cease to be a member and in either case, the vacancy shall be filled up in the manner prescribed.

(2) If any question, dispute or doubt arises regarding any vacancy under this section, the orders of the Deputy Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Term of office of members of a Panchayet.

14. Except as otherwise provided in this Act, members of a Panchayet shall hold office for a term of four years:

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Election of Chairman.

15. (1) For every Panchayet there shall be a Chairman who shall be elected by the members of the Panchayet from among themselves.

(2) Whenever the office of Chairman becomes vacant, the Panchayet shall choose another member to be Chairman.

16. (1) A member of a Panchayet may resign his seat in writing under his hand addressed to the Chairman and his seat shall become vacant on the expiry of fifteen clear days, from the date of such resignation unless within such period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman. Vacancy in the office of Chairman or Member.

(2) A member holding office as Chairman may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(3) Every Chairman shall vacate his office if he ceases to be a member of the Panchayet.

17. The jurisdiction of a Panchayet shall extend over the area comprised within the revenue boundaries of the village or villages for which the Panchayet has been established. Jurisdiction of panchayet.

CHAPTER III.

CONDUCT OF BUSINESS.

18. Subject to such rules as may be made by the Government in this behalf, the Commissioner shall appoint a Secretary to be in charge of one or more Panchayets specified by the Commissioner. Appointment of Secretary.

19. (1) Subject to the provisions of this section and to such rules as may be made by the Government in this behalf, a Panchayet shall, in the transaction of its business, follow such procedure as may be set out in bye-laws made under this Act. Procedure for meetings of panchayets.

(2) The Chairman shall hold a meeting of a Panchayet once at least every month. He may, whenever he thinks

fit, and shall, upon the written request of not less than one-half of the members, call a special meeting.

(3) The quorum for a meeting of a Panchayet shall be not less than one-half of the whole number of members of the Panchayet. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not, provided that not less than five members are present.

(4) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question, and in case of an equality of votes, he shall give his casting vote.

(5) At every meeting of a Panchayet, the Chairman shall preside and in his absence, the members of the Panchayet present shall choose one of their number to preside thereat.

(6) No act of a Panchayet shall be deemed invalid by reason only that the number of members of the Panchayet at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

Officers and servants of panchayets.

20. (1) Subject to such rules as may be made by the Government in this behalf, every Panchayet may employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.

(2) The officers and servants appointed by the Panchayet shall be subject to the disciplinary control of the Secretary.

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21. Subject to such rules as may be made by the Government in this behalf, every Chairman of a Panchayet shall have the power to— Powers of Chairman of Panchayet.

(1) pass bills and sanction estimates up to a money limit of fifty rupees, provided that provision for such expenditure is made in the sanctioned budget;

(2) incur contingent expenditure up to five rupees at any one time;

(3) operate on the Village Panchayet account including authorisation of payment, issue of cheques and refunds;

(4) supervise the general administration of the Panchayet and to inspect works undertaken by it;

(5) exercise such other powers as may be conferred by the other provisions of this Act.

22. Subject to such rules as may be made by the Government in this behalf, the Secretary of every Panchayet shall undertake the following duties and exercise the following powers:— Powers of Secretary of Panchayet.

(1) preparation and maintenance of assessment lists;

(2) maintenance of essential statistics;

(3) maintenance of accounts and records;

(4) recovery of Panchayet dues;

(5) execution and supervision of works undertaken by the Panchayet;

(6) checking estimates and bills in respect of works;

(7) supervision of sanitation and public health measures;

(8) convening meetings as required by this Act;

(9) maintenance of proceedings of the Panchayet and forwarding copies of such proceedings to prescribed authorities within prescribed periods;

(10) subject to general control by the Chairman, power to appoint officers and servants of the Panchayet and to fine, reduce, suspend or dismiss any of them;

(11) power to issue bills and notices to defaulters ;

(12) power to issue distraint warrants and to distrain and seize moveables, provided that such warrants are issued under the signature of the Chairman ;

(13) power to file complaints and suits on behalf of the Panchayet and to conduct proceedings on its behalf ;

(14) subject to bye-laws made by the Panchayet, to take part in meetings of the Panchayet and to speak thereat but not to vote or move any motion ;

(15) generally to undertake such duties and exercise such powers as may be conferred or delegated under the provisions of this Act.

CHAPTER IV.

FUNCTIONS OF PANCHAYET.

Obligatory functions of Panchayet.

23. It shall be the duty of every Panchayet within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its jurisdiction in regard to the following matters :—

(1) construction, repair and maintenance of village roads including cart tracks, culverts and bridges but not including those under the control of any other local body or of the Government ;

Explanation :—" Village road " in this clause means all roads in the village *thana* and *vonies*, cart tracks and other passages leading to public wells, tanks and agricultural lands.

(2) construction of drains and disposal of drainage water and sullage ;

(3) cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the area under its jurisdiction ;

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(4) construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing and bathing purposes ;

(5) regulation of buildings, shows, shops, eating and other entertainment houses ;

(6) removal of encroachments on public streets, public places and property vested in the Panchayet ;

(7) opening and maintenance of burial grounds ;

(8) establishment, management and maintenance of cattle pounds ;

(9) sanitation and conservancy and prevention and abatement of nuisance, taking preventive and curative measures in cases of epidemic ;

(10) preservation and improvement of public health ;

(11) maintenance and regulation of the use of public buildings and properties vested in or belonging to the Panchayet ;

(12) allotment of places for storing manure and the enforcement of provisions for storing under composting methods ;

(13) carrying out or assisting in any work entrusted by the District Board or the Government ;

(14) planting and preservation of trees on roads and in other public places ;

(15) regulation of public jatras, fairs, festivals and shandies except those managed by the District Board or by the Government ;

(16) maintenance of essential statistics of the village in the form prescribed by the Government ;

(17) welfare of Scheduled Castes and Scheduled Tribes ;

(18) regulating sale and preservation of meat in meat-stalls by vendors ;

(19) licensing of hotels ;

(20) regulating, curing, tanning and dyeing of skins and hides ;

(21) extension of village sites ;

(22) excavation and maintenance of ponds for the supply of water to animals;

(23) filling in of insanitary depressions and levelling of land by reclaiming unhealthy areas;

(24) regulating the collection, removal and disposal of manure and sweepings.

Discretionary functions of Panchayet.

24. Subject to such rules as may be made by the Government in this behalf and subject to the previous approval of the Commissioner, a Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its jurisdiction in regard to all or any of the following matters:—

(1) providing relief for travellers;

(2) relief of the poor and the sick;

(3) control of cattle stands, grazing grounds and other communal waste land;

(4) development of education, library and reading rooms, agricultural co-operation, rural industries and trade;

(5) lighting of the village;

(6) other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area;

(7) the improved breeding and medical treatment of cattle and prevention of cattle disease;

(8) construction and maintenance of slaughter houses;

(9) establishment and maintenance of maternity and child welfare centres;

(10) medical aid including establishment and maintenance of small dispensaries either singly or in collaboration with other panchayets;

(11) control and management of village forests;

(12) management of minor muzrai institutions;

(13) exercising all the powers and discharging all the functions of a Panchayet under the Tank Panchayet Act;

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(14) rural security including organisation of village guards and other associations for the maintenance of village morale and safety;

(15) organising, supervising and controlling rural development or multi-purpose co-operative societies;

(16) establish and maintain warehouses.

Institutions or works may be transferred to Panchayet.

25. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Power of Government to add to functions of Panchayets.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet by a general or special order, to exercise any functions or perform any duties other than those specified in sections 23 to 25.

General powers of Panchayet.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32; and the Panchayet may appoint Committees to perform any of these functions.

Power of Panchayets as to roads, bridges and water-ways.

28. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads;

(*b*) construct new bridges;

(*c*) widen, open, enlarge, or otherwise improve any road or bridge;

(*d*) divert, discontinue or close any road or bridge;

(*e*) deepen or otherwise improve water-ways; and

(*f*) provide for the lighting of any road or public place within the village.

Control of the erection of buildings.

29. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within two months of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

(*a*) direct that the building, alteration, or addition be stopped;

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary; or

(*c*) withdraw the permission.

(3) An appeal shall lie to the Deputy Commissioner from any order or direction or notice of the Panchayet under sub-section (2) and the decision of the Deputy Commissioner on such appeal shall be final.

Power of Government to prohibit the erection of buildings in certain areas without permission.

30. (1) Notwithstanding anything contained in section 29, the Government may, in the public interest and after consulting the Panchayet concerned, prohibit by notification published in the *Mysore Gazette*, the erection of any building within a specified area in a Panchayet, except with permission granted by the Government in this behalf.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction, be punished with fine which may extend to two hundred rupees.

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(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed under sub-section (2).

31. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license. Prohibition of offensive or dangerous trades without license.

(2) When a licensee fails to comply with any condition imposed in the license, the Panchayet may suspend or cancel his license.

32. (1) No place within the jurisdiction of a Panchayet shall be used as a dairy, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control or a dharmasala or for manufacturing ice or ærated water), without a license from the Panchayet and except in accordance with the conditions specified therein. Control of dairies, hotels, etc.

(2) A license under this section shall be granted or renewed only on payment in advance of such fee as may be prescribed.

(3) The Panchayet may, for reasons to be recorded in writing, refuse to grant or renew a license or suspend or cancel a license granted or renewed under sub-section (1) for default of any of the conditions subject to which the license was granted.

(4) The Panchayet may, having regard to the local conditions, fix the number and category of dairies, hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses, and places for manufacturing ice or ærated water, and direct by order the closure of such places as may be specified by it used for the purposes aforesaid, in excess of those fixed by it:

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(5) Any person aggrieved by the refusal to grant or renew a license or by the suspension or cancellation of a license under sub-section (3) or by an order directing the

closure of a place under sub-section (4) may, within thirty days of the date of communication of the order, appeal to the Deputy Commissioner; and the decision of the Deputy Commissioner on such appeal shall be final.

Power as to sanitation, conservancy and drainage

33. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayet may, by a written notice, require, within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly-pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 39.

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(*b*) the disqualification in sub-clause (*a*), (*c*) and (*d*) of clause (A) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or removal or earlier by an order of the State Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted; or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

(2) If any member of a District Board during the term for which he has been elected—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clause (i) and (ii) of clause (*c*) of the proviso to sub-section (1), or

(*c*) absents himself for more than three consecutive ordinary meetings of the Board unless leave so to absent himself, which shall not exceed six months had been granted by the Board, or absents himself for over six consecutive months from meetings of the Board,

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question arises whether any person is disqualified under this section or disabled from continuing as a member, the question shall be referred for the

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decision of the Government and its decision shall be final.

Qualification of members.

55. Every person who is not less than twenty-five years of age and who is a resident of a taluk inclusive of all Municipal limits therein shall be qualified to be elected as a Member of the District Board from any taluk of that district.

Procedure for elections.

56. Subject to the provisions of this Act, elections and bye-elections to District Boards shall be held in accordance with such rules as may be made by the Government in this behalf.

Determination of the validity of elections; enquiry by judge; procedure.

57. (1) At any time within fifteen days after the declaration of the result of an election any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs, to the Judge not below the rank of a Subordinate Judge, appointed by the Government in this behalf, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf under section 56, or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) (*a*) If, on holding such enquiry, the Judge finds that a candidate has, for the purpose of the election, committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall

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set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge, shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that, for the purposes of such computation, no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit" includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (*a*) of sub-clause (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that such person, may, at any time be relieved from such disqualification by an order of the State Government in that behalf :

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Publication of names of members in the *Mysore Gazette.*

58. The names of all members finally elected to any District Board, shall be reported to the Government who shall notify it in the *Mysore Gazette.*

Term of office of members.

59. Except as is otherwise provided in this Act, members of a District Board shall hold office for a period of four years :

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Resignation of member.

60. A member of a District Board may resign his membership in writing, under his hand addressed to the President of the District Board and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the President.

Removal of members for misconduct, etc.

61. The Government may, if it thinks fit, on a resolution of a District Board for the removal of a member of such Board, passed by a majority of not less than two-thirds of the total number of members of the Board,

remove such member, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board.

Election of President and Vice-President.

62. (1) Every District Board shall, as soon as may be, choose two members of the District Board to be respectively President and Vice-President thereof, and so often as the office of President or Vice-President becomes vacant, by death, resignation, removal or otherwise, the District Board shall choose another member to be President or Vice-President as the case may be:

Provided that notwithstanding the expiry of his term, a President or Vice-President shall continue in office until three of the clock on the day prior to the day appointed for the election of the next President.

(2) The election of the President or the Vice-President of a District Board and filling up of vacancies in the said offices shall be held in accordance with such rules as may be made in this behalf by the Government.

Resignation or removal of President and Vice-President and grant of leave to President and Vice-President.

63. (1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(2) Every President or Vice-President shall vacate office if he ceases to be a member of the District Board:

Provided that he shall be removable from office as such President or Vice-President by the Government for not commanding the confidence of the Board, to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

(3) Every President who, for a period exceeding three months and every Vice-President who, for a period

exceeding three months, absents himself from the District in such manner as to be unable to perform his duties as President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted by the Board.

(4) Leave under sub-section (3) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

64. The jurisdiction of a District Board shall extend over the area of the district for which the District Board has been established, except areas excluded from its jurisdiction under section 49.

CHAPTER VII.

CONDUCT OF BUSINESS.

65. The President of a District Board shall—

(*a*) preside at the meetings of the Board and all its standing committees ;

(*b*) watch over the financial and executive administration of the Board and exercise general supervision and control without prejudice to the statutory powers of the Chief Executive Officer ;

(*c*) submit to the Board all questions which require its sanction ;

(*d*) furnish to the Government a copy of every resolution passed at every meeting of the Board and extracts from the minutes of the proceedings of the Board or other document or thing which the Government may from time to time call for, and forward a copy to the Commissioner;

(*e*) furnish to the Commissioner a copy of any resolution or extracts from the minutes of the proceedings of the Board or other document or thing which he may from time to time call for; and

(*f*) subject to the provisions contained in rules to be made in this behalf by the Government, exercise such powers or duties relating to the executive functions of the Board which may be delegated to him by the Board.

Emergency powers of President.

66. The President of the District Board may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

Powers of Vice-President

67. The Vice-President of a District Board shall—

(*a*) in the absence of the President, preside at the meetings of the Board;

(*b*) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him; and

(*c*) exercise powers and perform the duties of the President, pending the election of a President or during the absence of the President on leave,

Meetings of District Boards.

68. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every two months (hereinafter in this section called ordinary meeting) and shall, subject to the provisions of the following sub-sections, make, from time to time, regulations not inconsistent with this Act and with any rules or orders made by the Government in this behalf, with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (*a*) The date of the first meeting of the Board after reconstitution, shall be fixed by the Chief Executive Officer and the Deputy Commissioner shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(*b*) Fourteen clear days' notice of an ordinary meeting and ten clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum

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present or not, provided that not less than five members are present.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time, cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(*g*) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The

order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of sub-section (4) of section 80 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall, at all reasonable times, be open to inspection by any member of the Board or by any person entitled to vote for elections to the District Board.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Government and to the Commissioner, and the Government may pass such orders thereon as they may think fit.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

69. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area and may suggest any improvements which may appear desirable.

Interpellations and resolutions.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such regulations as may be made by the Board.

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.

(4) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the district other than those coming within the purview of this Act.

70. (1) Every District Board shall have a Chief Executive Officer appointed by the Government.

Chief Executive Officer and other officers of the District Board.

(2) Subject to such rules as may be made by the Government in this behalf, every District Board shall be entitled to employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary, and generally to provide for leave, punishment and other matters relating to the officers and servants by regulations.

(3) The officers and servants appointed by the District Board under sub-section (2) shall be subordinate to, and subject to the disciplinary control of, the Chief Executive Officer.

71. The Chief Executive Officer shall perform the following functions:—

Functions of the Chief Executive Officer.

(1) convene meetings and maintain proceedings thereof;

(2) furnish the District Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on

such matters and copies of documents in his charge whenever called upon by the District Board to do so;

(3) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(4) furnish to the Government through the President a copy of every resolution passed at a meeting of the Board;

(5) furnish through the President any extract of the proceedings of the Board or of any Committee thereof or of other documents or things which the Commissioner or any officer authorised by the Government in this behalf, may call for;

(6) appoint with the approval of the President, and subject to such rules as the Government may make in this behalf, qualified persons to posts under the District Board and grant leave of absence to holders of such posts and to fine, reduce, suspend or dismiss holders of such posts:

Provided that an appeal shall lie against his orders of fine, reduction, suspension or dismissal to the Commissioner;

(7) prefer, subject to the provisions of this Act, complaints in prosecutions by the District Board and initiate or conduct proceedings, civil or criminal, on behalf of the Board;

(8) subject to regulations made by the District Board in this behalf, take part in meetings of the Board and speak thereat but shall not vote or move any motion; and

(9) such other functions as may be delegated to him by the Board.

Mode of making contracts.

72. (1) Every contract or agreement entered into on behalf of the District Board, shall be binding on the District Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements

on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the District Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the District Board for the purchase, sale, lease, mortgage or other transfer of immovable property, except with the approval or sanction of the District Board.

Contracts entered into by the Chief Executive Officer to be reported.

73. Where a Chief Executive Officer enters into a contract or agreement on behalf of a District Board, he shall report the fact to the District Board within fifteen days thereof.

District Fund ordinarily liable for all costs and expenses incurred by the Board.

74. Except as is hereinafter otherwise provided, no Chief Executive Officer and no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of, such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a District Board shall be personally liable for the misapplication, loss or waste of any money or other property of the Board, entrusted to him as member or to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government, or by the Government, for the recovery of or compensation for the misapplication, loss or waste of such money or property; and any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

Powers to compromise suits and claims.

75. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Public Works Department.

76. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit, subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner specified in sub-section (1), if the Board communicates a desire to that effect.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall, unless waived by the Government, be payable by the Board to the Public Works Department.

District Board to appoint Committees.

77. (1) Every District Board shall appoint the following committees:—

(i) Standing Committee;

(ii) Audit Committee;

(iii) Public Health Committee;

(iv) Scheduled Castes Amelioration Committee.

(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the District Board :

Provided that such number shall not be more than 7 nor less than 5 :

Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.

78. (1) The Standing Committee shall frame the budget and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated by the Board. Functions of Committees.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board and perform such other functions as may be delegated by the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may, at any time, withdraw any of the duties or powers so delegated.

(4) The Scheduled Castes Amelioration Committee shall watch over every Scheduled Castes amelioration work, save such work as may be excluded from its purview by an order of the Government in this behalf.

Other committees.

79. A District Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sections 77 and 78 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Procedure of committees.

80. (1) A District Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) Every committee as mentioned in section 77 shall meet at least once a month.

(3) The Chief Executive Officer shall attend every meeting of every committee and shall be entitled to take part in discussions but not to vote or move motions.

(4) All Heads of Departments and District Officers of Government shall, ordinarily on the invitation of the President of a District Board, attend any meeting of the District Board or of any committee thereof, and to address such Board or committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the committee.

Joint Committee.

81. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with any Panchayet or with more than one such Board or Council or Panchayet in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils or Panchayets concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee:

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate their power under this section to such officer in such matters

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present or not, provided that not less than five members are present.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time, cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(*g*) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The

order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of sub-section (4) of section 80 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall, at all reasonable times, be open to inspection by any member of the Board or by any person entitled to vote for elections to the District Board.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Government and to the Commissioner, and the Government may pass such orders thereon as they may think fit.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

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69. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area and may suggest any improvements which may appear desirable. Interpellations and resolutions.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such regulations as may be made by the Board.

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.

(4) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the district other than those coming within the purview of this Act.

70. (1) Every District Board shall have a Chief Executive Officer appointed by the Government. Chief Executive Officer and other officers of the District Board.

(2) Subject to such rules as may be made by the Government in this behalf, every District Board shall be entitled to employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary, and generally to provide for leave, punishment and other matters relating to the officers and servants by regulations.

(3) The officers and servants appointed by the District Board under sub-section (2) shall be subordinate to, and subject to the disciplinary control of, the Chief Executive Officer.

71. The Chief Executive Officer shall perform the following functions :— Functions of the Chief Executive Officer.

(1) convene meetings and maintain proceedings thereof;

(2) furnish the District Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on

such matters and copies of documents in his charge whenever called upon by the District Board to do so;

(3) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(4) furnish to the Government through the President a copy of every resolution passed at a meeting of the Board;

(5) furnish through the President any extract of the proceedings of the Board or of any Committee thereof or of other documents or things which the Commissioner or any officer authorised by the Government in this behalf, may call for;

(6) appoint with the approval of the President, and subject to such rules as the Government may make in this behalf, qualified persons to posts under the District Board and grant leave of absence to holders of such posts and to fine, reduce, suspend or dismiss holders of such posts:

Provided that an appeal shall lie against his orders of fine, reduction, suspension or dismissal to the Commissioner;

(7) prefer, subject to the provisions of this Act, complaints in prosecutions by the District Board and initiate or conduct proceedings, civil or criminal, on behalf of the Board;

(8) subject to regulations made by the District Board in this behalf, take part in meetings of the Board and speak thereat but shall not vote or move any motion; and

(9) such other functions as may be delegated to him by the Board.

72. (1) Every contract or agreement entered into on behalf of the District Board, shall be binding on the District Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements

on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the District Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the District Board for the purchase, sale, lease, mortgage or other transfer of immovable property, except with the approval or sanction of the District Board.

Contracts entered into by the Chief Executive Officer to be reported.

73. Where a Chief Executive Officer enters into a contract or agreement on behalf of a District Board, he shall report the fact to the District Board within fifteen days thereof.

District Fund ordinarily liable for all costs and expenses incurred by the Board.

74. Except as is hereinafter otherwise provided, no Chief Executive Officer, and no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of, such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a District Board shall be personally liable for the misapplication, loss or waste of any money or other property of the Board, entrusted to him as member or to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government, or by the Government, for the recovery of or compensation for the misapplication, loss or waste of such money or property; and any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

Powers to compromise suits and claims.

75. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Public Works Department.

76. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit, subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner specified in sub-section (1), if the Board communicates a desire to that effect.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall, unless waived by the Government, be payable by the Board to the Public Works Department.

District Board to appoint Committees.

77. (1) Every District Board shall appoint the following committees:—

(i) Standing Committee;

(ii) Audit Committee;

(iii) Public Health Committee;

(iv) Scheduled Castes Amelioration Committee.

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(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the District Board:

Provided that such number shall not be more than 7 nor less than 5:

Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.

Functions of Committees.

78. (1) The Standing Committee shall frame the budget and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated by the Board.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board and perform such other functions as may be delegated by the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may, at any time, withdraw any of the duties or powers so delegated.

(4) The Scheduled Castes Amelioration Committee shall watch over every Scheduled Castes amelioration work, save such work as may be excluded from its purview by an order of the Government in this behalf.

Other committees.

79. A District Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sections 77 and 78 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Procedure of committees.

80. (1) A District Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) Every committee as mentioned in section 77 shall meet at least once a month.

(3) The Chief Executive Officer shall attend every meeting of every committee and shall be entitled to take part in discussions but not to vote or move motions.

(4) All Heads of Departments and District Officers of Government shall, ordinarily on the invitation of the President of a District Board, attend any meeting of the District Board or of any committee thereof, and to address such Board or committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the committee.

Joint Committee.

81. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with any Panchayet or with more than one such Board or Council or Panchayet in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils or Panchayets concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee:

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate their power under this section to such officer in such matters

and to such extent as may be prescribed by rules framed in this behalf.

82. No act of a District Board, or of any committee, or of any person acting as a member or as a President, Vice-President, or Chairman or Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or Chief Executive Officer or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President or Chief Executive Officer or member of such Board or Committee, or for any other informality.

Acts of Boards, etc., not to be invalidated.

CHAPTER VIII.

FUNCTIONS OF DISTRICT BOARD.

83. Subject to the rules or orders made by the Government in this behalf consistently with this Act, every District Board shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable property which may have become vested in, or been acquired by it and to contract and to do all other things necessary for the purposes of this Act:

Power of District Board to acquire and hold property and to contract.

Provided that no lease of immovable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government:

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 114 and without the previous sanction of the Government.

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Roads and other property of the old District Boards to vest in the District Boards constituted under this Act.

84. All roads, bridges, channels, buildings, and other property, movable and immovable, held by or under the control and administration of and all institutions committed to the management of the District Board in each district for the purposes of the Mysore District Boards Act, 1926, shall, for the purposes of this Act, be under the control, administration and management of the District Board of such district, subject to all rights, if any, existing over, and all debts, liabilities, and obligations, if any, affecting, such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on a Panchayet constituted under this Act.

Works constructed by District Board to be vested in it.

85. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board, except such portion of the road as may lie within the area of a municipality.

Obligatory duties of District Boards.

86. (1) It shall be the duty of every District Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area:—

(i) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government;

(ii) planting and preservation of trees on the sides of roads and other public grounds in its control;

(iii) establishment, management, maintenance and inspection of hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses and other public institutions and the construction and repair of all buildings connected with these institutions;

(iv) construction and repair of public wells, tanks and water works which serve more than one Panchayet, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

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(v) promotion of vaccination and the appointment and control of vaccinators;

(vi) measures necessary for the public health, sanitation and other local services affecting villages in different Panchayets and control of public health and sanitation during jatras or fairs and festivals;

(vii) [management of such public ferries as may be entrusted to its charge;

(viii) [maintenance of any building or other property vested in the Board under this Act;

(ix) formulation of annual programmes of rural development and Scheduled Castes upliftment work in the District for the approval of the Government;

(x) organisation of conferences, training centres, agricultural and industrial exhibitions for the benefit of the rural areas;

(xi) organisation and maintenance of rural publicity and propaganda;

(xii) spread, and encouragement of social education work in the district;

(xiii) control of fairs, festivals and shandies; and

(xiv) such other matters as may be entrusted to the District Board by the Government from time to time.

(2) A District Board may, subject to regulations made in this behalf, entrust to a Panchayet within the district the right to establish and ply ferries.

87. A District Board may, in its discretion,— Discretionary duties of District Boards.

(A) (1) provide for the registration of births and deaths within the district subject to such conditions as the Government may impose in this behalf;

(2) with the sanction of the Government from time to time, guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any works which may directly improve the means of communication within the district or between the district and other districts;

(3) encourage and develop co-operative societies in the district ;

(4) promote development of economic conditions with special reference to agriculture, industry and commerce ;

(5) encourage local arts and industries and grant loans for this purpose, subject to such rules as may be made in this behalf by the Government ;

(6) take measures for improvement of cattle ;

(7) provide motor and other transport facilities for the carriage of the public or guarantee from the District Fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose ;

(8) provide accommodation for any class of servants employed by the District Board or belonging to any institution to which the Board makes regular grants and grant loans to such servants for construction of houses, subject to such rules and conditions as may be made by the Government in this behalf ; and

(B) with the previous approval of the Government—

(1) organise and maintain in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessary supplies ;

(2) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board ;

(3) by a resolution passed at a meeting and supported by one-half of the whole number of members of the District Board, arrange for any public reception, ceremony or entertainment ;

(4) establish and maintain middle and high schools, industrial and trade or occupational institutions in the district ;

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(5) undertake any other measure not hereinbefore specially named to promote the public health, safety or convenience, material or moral development of the people or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board to be an appropriate charge on the District Fund.

District Board may, with the consent of owners, take over and repair works.

88. A District Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon, the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

89. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated within a district, shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

90. It shall be competent to the Government from time to time by notification in the *Mysore Gazette* to resume any property placed under the control of a District Board under section 89, on such terms as the Government may determine with the consent of the Board.

District Boards may undertake construction, repair and maintenance of Government buildings.

91. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

Other duties of District Boards.

92. Every District Board shall render such technical assistance as may be available with it and as may be required by the Village Panchayets within the District free of cost and it shall be lawful for a District Board to supplement works of development undertaken by a Panchayet within the district by taking up schemes which are beyond the powers of the Panchayets to execute.

Powers to turn, divert, discontinue or close road.

93. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads and lands vested in the Board.

94. Subject to regulations made in this behalf, the Chief Executive Officer of a District Board may permit the temporary occupation or use of any road or land vested in the Board for the erection of pendals or for any other lawful purpose.

Control of unwieldy traffic.

95. It shall be lawful for a District Board, subject to such rules as may be prescribed by the Government in this behalf and to the regulations framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles and Road Traffic Act, 1944, for the time being in force) of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a license issued by the Chief Executive Officer and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautious.

96. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods. Public ferries.

(2) No public ferry shall, after the commencement of this Act, be newly established or closed without the sanction of the Board and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a licence from the District Board.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

97. (1) No market and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by Muzrai and other officers authorised by the Government in this behalf, shall be newly established in any area under the authority of a District Board or a Panchayet without the previous sanction of the Government which, in respect of an application by a Panchayet, will be accorded after previous consultation with the District Board concerned. Establishment of market, etc.

(2) The grant of permission under sub-section (1) shall be subject to such conditions, and restrictions as the Government may lay down generally or specially in the case of any particular institution or class of institutions.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(4) If any question arises whether any place is a market or not, the Panchayet or the District Board concerned shall make a reference to the Government and the decision of the Government thereon shall be final.

98. Subject to the provisions of section 31, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule V, without a license from the President of the Board and except in accordance with the conditions specified therein. Regulation of certain trades.

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Grant of licenses.

99. (1) All applications for licenses and permissions under this Part may be disposed of by the Chief Executive Officer of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the Chief Executive Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

(2) A license under this Part shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Part shall, if not punishable under any other section of this Act, be punished, on conviction by a magistrate, with a fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Prosecution for offences.

100. The Chief Executive Officer may, if authorised by the Board, prefer complaints in respect of any public nuisance and may take proceedings for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act or of any rule or regulation thereunder and the expenses of such prosecution or other proceeding shall be paid out of the District Fund:

Provided that no prosecution for an offence under this Act or under any rule or regulation thereunder, shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrates.

101. Any prosecution under this Part or under any rule or regulation relating to District Boards made under this Act may be instituted before any magistrate and every fine or penalty imposed under or by virtue of this Act or any regulation thereunder, and also all claims to compensation or other expenses, for the recovery of which no special provision is otherwise made in this Act, may be recovered, on application to such magistrate,

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by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

102. (1) A District Board may—

Power to compromise and compound offences.

(*a*) compromise with any person who, in the opinion of the District Board, has committed an offence punishable under this Act or any rule or regulation thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law thereunder;

(*c*) compound any offence against this Act or any rule or regulation made thereunder, which may, by rules made by the Government, be declared compoundable:

Provided that the Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

(2) Sums paid by way of composition under this section shall be credited to the District Fund.

Damage to any District Board property how made good.

103. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any District Board, shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter X.

CHAPTER IX.

FINANCE.

District Fund, its custody and investment.

104. (1) There shall be in each district, a fund which shall be called the District Fund, and be administered by the District Board of the district.

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(2) It shall be lawful for a District Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Bank in the State, any surplus funds in its hands which may not be required for current charges and with the like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Composition of District Fund.

105. The following shall form part of, or be paid into the District Fund :—

(i) the balance of the District Fund and of the Rural Development Fund, if any, at the commencement of this Act ;

(ii) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Act, and all fines imposed by a Magistrate under this Act or the regulations framed thereunder ;

(iii) all rents from lands or other properties of the District Board ;

(iv) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise ;

(v) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom ; and

(vi) all sums received by or on behalf of the District Board by virtue of this or any other Act.

Government to assign to District Boards certain revenues.

106. (1) The Government shall assign to a District Board an amount equal to six and a one-fourth per cent of the land revenue collected in the area within the jurisdiction of the District Board.

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(2) The Government shall also assign to all the District Boards in the State an amount equal to six and a one-fourth per cent of the land revenue collected in the State, the amount to be allotted to each District Board being such as the Government may from time to time determine.

(3) The Government shall further make over to the District Boards the entire local cess on land revenue, excise and forest revenues excluding the cost of collection.

(4) The amounts assigned and made over to a District Board under sub-sections (1), (2) and (3) may be credited to the District Fund once every year in such manner as may be prescribed.

(5) Subject to such rules as the Government may make in this behalf and with the previous approval of the Government, a District Board may alter the rate of levy of local cess on land revenue or excise or forest revenue within the district.

Assignment of portions of other revenues to District Fund.

107. (1) Such portion of the following taxes namely :—

(i) vehicle tax ;
(ii) road tax on lorries, buses and vehicles ;
(iii) service tax ; and
(iv) revenue on registration of immovable properties within the local limits of the District Board,

as may be assigned from time to time, by the Government to the District Board shall form part of and be paid into the District Fund.

(2) Out of the portion of revenue assigned to District Boards under this section, each District Board shall be entitled to a part which is in the same proportion to the total amount so assigned as the length of the roads within the district, bears to the total length of roads within all the District Boards in the State.

District Board property and District Fund how to be applied.

108. All property vested in the District Board under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Act :

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

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Application of District Fund and property.

109. The District Fund and all property held by or vested in the District Board under this Act, shall be applied subject to the provisions of this Act, for the payment of--

(*a*) travelling allowances to members of the District Board or any committee thereof, subject to such rules as may be made in this behalf by the Government;

(*b*) the salaries, allowances, pensions and gratuities of its officers and servants;

(*c*) any amounts falling due on any loans contracted by the Board;

(*d*) expenses incurred—

(i) for holding elections to the District Board under this Act;

(ii) for the purposes specified in this Act; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board; and

(iv) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in the public interest:

Provided that any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down, either generally or specifically in this behalf.

Rents and fees.

110. Subject to the regulations made in this behalf, a District Board may charge fees for any permission issued under this Act and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for collection.

111. The local cess shall be collected by the departmental Government officers or establishments concerned,

along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Act by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided in Chapter X.

Power to expel persons who refuse to pay fees.

112. When any fee has been imposed under section 110 or the right to collect it has been leased under section 111, any person employed by the District Board or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but refuses to pay it.

District Board may raise loans and may form a sinking fund.

113. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by them, from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

114. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter X.

Contribution to expenditure incurred by the Government and power to make grants-in-aid.

115. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institution or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Arrangement purporting to be binding permanently or for a term of years.

116. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel

such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

Prohibition of expenditure not budgeted for.

117. Except as hereinafter provided, no payment of any sum shall be made out of the District Fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) Refunds of taxes and other moneys which the District Board is authorised by this Act or the rules made thereunder to make ;

(*b*) Repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the District Fund by mistake ;

(*c*) Sums which the District Board is required or empowered by this Act to pay by way of compensation ;

(*d*) Every sum payable,

(i) under this Act by order of the Deputy Commissioner or by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim ;

(*e*) Expenses incurred in the exercise of power conferred by regulations made under section 174 ;

(*f*) All contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of any other local authority or authorities.

Presentation of accounts.

118. (1) The Standing Committee shall have prepared and laid before the District Board at its ordinary meetings complete accounts of the receipts and expenditure of the District Board since the first day of April last preceding and at a meeting which shall be held between

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the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of April next following.

(2) The District Board shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the District Board shall be sent for approval to the Government through the Commissioner before such date as may be fixed by the Government.

If the budget is not returned by the Government within two months of the receipt thereof by the Government, the budget should be presumed to have been approved by the Government.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Act or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under section 76 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and on behalf of any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board.

(4) If the budget as submitted fails to make adequate provision for the obligatory duties of the District Board

and is not otherwise in conformity with this Act, the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

Revision of budget.

119. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that, without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 118; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 118.

Maintenance of accounts and restriction on expenditure.

120. (1) Accounts of the income and expenditure of the District Fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the District Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the first general meeting held after the audit of the past official year's accounts, pass such accounts.

Audit of accounts.

121. (1) The District Fund accounts shall, from time to time, and once in every year at least, be audited by an auditor appointed by the Government and, with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall, for the purposes of audit, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the District Fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

122. The Government auditor may— 245

Powers of Government auditor.

(*a*) by written requisition, require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition, require any person accountable for or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

123. (1) The Government auditor shall—

Duties of Government auditor.

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the District Fund accounts;

(*b*) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the District Board or in the District Fund accounts; and

(*c*) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Standing Committee to remedy defects.

124. (1) The Government auditor shall disallow every item contrary to law and report the same to the Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

Disallowance by Government auditor and order by Commissioner.

(2) The Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not

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brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal against the order

125. Any person aggrieved by the order of the Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge, and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge, with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as they think fit.

Recovery of amounts disallowed.

126. Every sum certified to be due from any person by the Commissioner under this Act shall be paid by such person to the District Board within one month after the intimation to him of the said decision, unless within that time such person has appealed to the court or to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the District Fund.

Transmission of accounts to Government.

127. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report.

128. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the President shall submit to the Government through the Commissioner, a report on the administration of the Board during the preceding

official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

CHAPTER X.

RECOVERY OF DUES.

Notice of demand for fee, cess or other dues.

129. (1) When any sum not being a toll payable on demand—

(*a*) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which is claimable as a fee, cess or other due under this Part or any rule or regulation under this Act,

shall have become payable and remains unpaid ten days after the same is due, the Chief Executive Officer of the District Board, or some person duly authorised by the President in writing in this behalf, may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

Distress.

(2) If such person does not, within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer why the same should not be paid, the Chief Executive Officer or other person duly authorised by the Chief Executive Officer in writing in this behalf, may recover such sum, with all costs, by distraint and sale of the moveable property of the defaulter.

Warrant for distraint.

130. In order to effect the distraint and sale of property under sub-section (2) of section 129, the Chief Executive Officer or other officer duly empowered by him in this behalf, shall issue a warrant in the prescribed form and for each such warrant, a warrant fee of two annas shall be leviable.

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Inventory and sale.

131. The Chief Executive Officer or other person duly authorised as aforesaid, shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of fees, etc.

132. The Chief Executive Officer of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,

(2) the name of the person by whom it is granted,

(3) the toll, fee, cess or other dues in respect of which the payment has been made,

(4) the period for which the payment has been made, and

(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

133. (1) Whenever, under the provisions of this Part any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of the section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Perishable property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount due, in the opinion of the person seizing the property, exceed its value, the

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said person shall, immediately after seizure of such property, give notice to the person in whose possession it was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount due is forthwith paid.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund. Surplus sale proceeds.

(6) If any claim be set up by a third person to moveable property distrained under the provisions of this Chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a civil court having jurisdiction.

134. All arrears of fees, cesses and other sums due to a District Board at the time of the commencement of this Act, may be recovered by the District Board having authority over the district as though they had accrued under this Act. Recovery of arrears at the commencement of the Act.

135. Nothing herein contained shall preclude the institution of a suit for any amount due under this Act. Civil suit not barred.

136. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Act other than cesses collected under section 111 after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum. Recovery of amount due by suit not precluded.

PART IV—GENERAL.

CHAPTER XI.

CONTROL.

Commissioner for Local Self-Government.

137. (1) The Commissioner for Local Self-Government appointed by the Government shall be the chief controlling authority in respect of all matters relating to the administration of Village Panchayets and District Boards.

(2) The Government may, by notification in the *Mysore Gazette*, delegate to the Commissioner all or any of their powers under this Act except the power to make rules.

Annual report of working of Panchayets.

138. The Deputy Commissioner or such other officer as may be prescribed, shall submit annually to the Commissioner, a consolidated report on the working of the Panchayets of the district in such form as the Government may, from time to time, prescribe, and the Commissioner shall review the report and submit a copy of his review for the information of the Government.

Powers of Deputy Commissioner over Panchayets.

139. The Deputy Commissioner, or such other officer as may be prescribed, may, by order in writing, require any Panchayet in his district to perform any duty, whether obligatory, discretionary or delegated under this Act, annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to the Commissioner from the order of the Deputy Commissioner.

Deputy Commissioner to have access to books, etc., of Panchayets.

140. (1) The Deputy Commissioner, or such other officer as may be prescribed, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf, shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

141. The Deputy Commissioner, or such other officer as may be prescribed, shall, in respect of Panchayets within his jurisdiction, have power at all times—

Deputy Commissioner may inspect, call for reports, etc., from Panchayets.

(*a*) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by a Panchayet;

(*b*) to call for and inspect, for the purposes of the Act, any document which may be in the possession or under the control of a Panchayet; and

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

142. (1) When the Deputy Commissioner, or any officer prescribed in this behalf, is informed on complaint made or otherwise, that a Panchayet in the district has made default in performing any duty under section 23, and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

Powers of Deputy Commissioner to provide for performance of obligatory functions of Panchayets.

(2) If that duty is not performed within the period so fixed, the Deputy Commissioner or such other officer may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer, may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall, if passed by an officer other than the Deputy Commissioner, be sent to the Deputy Commissioner as soon as it is passed and if passed by the Deputy Commissioner to the Commissioner as soon as it is passed, and it shall be within the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind or to modify the order.

Power of Deputy Commissioner to suspend execution of or prohibit certain acts by Panchayet.

143. (1) If, in the opinion of the Deputy Commissioner or such other officer as may be prescribed in this behalf, the execution of any order or resolution of a Panchayet in the district or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an officer other than the Deputy Commissioner makes any order under this section, he shall forthwith forward a copy of the order to the Deputy Commissioner together with a statement of reasons for making it and when the Deputy Commissioner makes any such order, he shall forward a copy of the order and the statement to the Commissioner and it shall be in the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Powers of Deputy Commissioner over Panchayets in cases of emergency.

144. (1) In cases of emergency, the Deputy Commissioner or any officer prescribed in this behalf, may provide for the execution of any work, or the doing of any act, which a Panchayet in the district is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the panchayet.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration.

(3) Where the Deputy Commissioner uses powers given under this section, he shall report forthwith to the Commissioner every such case and where any officer other than the Deputy Commissioner does so, he shall forthwith report to the Deputy Commissioner.

Supersession of Panchayets.

145. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties

imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the *Mysore Gazette*, with the reasons for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue—

(*a*) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner, from time to time, appoints in that behalf;

(*c*) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by election and the persons who vacated their office under clause (*a*) shall not be deemed disqualified for election.

(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Panchayet:

Provided that such supersession shall not continue for more than one year at a time.

(5) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

(6) A further appeal shall lie to the Government from an order of the Commissioner passed under this section.

Appeals from orders of or relating to Panchayets.

146. (1) Save as otherwise provided for in this Act, an appeal shall lie from an order of the Panchayet to the Deputy Commissioner of the district or to such other officer as may be prescribed and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to the Commissioner or the Government when expressly allowed under this Act, in respect of Panchayets shall be preferred within ninety days of the date of publication or communication of the order from which the appeal is made.

Disputes between Panchayets.

147. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Commissioner for decision and the decision of the Commissioner thereon shall be final.

Disputes betweens a municipal council and a Panchayet.

148. (1) If a dispute arises between a municipal council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon, shall be final.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts (or between a District Board and a Panchayet) the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Panchayets within town or sanitary board areas.

149. Where a Panchayet has been established under this Act, for a village or villages under the control of a Town or Sanitary Board, constituted under any law for the time being in force, the powers that may be exercised by a

Deputy Commissioner shall be exercised by such other person or persons as may be prescribed :

Provided that nothing in this Act, shall affect the powers that are exercised by a Town or Sanitary Board in respect of the control of epidemics in the area under its control.

150. (1) When any matter has been decided by the Commissioner on appeal under sub-section (2) of section 43, section 139 or sub-section (5) of section 145, or sub-section (4) of section 164 or on reference under sub-section (3) of section 147, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may, in doing so, direct that pending the examination of the records, such order be held in abeyance.

Power of Government to call for records in the case of appeals decided by Commissioner.

(2) On examining the records, the Government may reverse or modify the order of the Commissioner as they deem fit.

151. The Government may, by order in writing, amend any proceedings or resolutions of a District Board which they consider to be not in conformity with the provisions of this Act and the rules or regulations in force thereunder, and may do all things necessary to secure such conformity.

Power of Government to amend proceedings of District Boards.

152. Subject to such rules as the Government may from time to time frame in this behalf, the Commissioner shall have power—

Inspection of offices of District Boards.

(*a*) to inspect the office of any District Board ;

(*b*) to call for records of any District Board,

either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as they deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

Deputy Commissioner's power of supervision.

153. (1) The Commissioner shall have power to supervise the proceedings of the District Boards and of the several committees of the District Boards and in the exercise of that power, may (among other things),—

(*a*) enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by

the District Board or a committee or any work in progress under its direction; and

(*b*) call for and inspect for the purposes of this Act any document which may be in the possession or under the control of a District Board or a committee; and

(*c*) require the District Board or a committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more districts, the Commissioner may exercise a like power in respect of the proceedings of that committee.

Powers to suspend execution of orders, etc.

154. (1) If, in the opinion of the Commissioner, the execution of any order or resolution of a District Board or a committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend or prohibit the execution thereof.

(2) When the Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continues in force with or without modification, permanently or for such period as they think fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

155. (1) In cases of emergency, the Deputy Commissioner after intimation to a District Board to execute any work or do any act which a District Board is empowered to execute or do under sub-section (1) of section 86 and the immediate execution or doing of which is in his opinion necessary for the safety of the public, within a time to be specified by him and on failure of the District Board to execute such work or do such act, may provide for the execution of such work or the doing of such act and direct that the expense of executing the work or doing

the act with a reasonable remuneration to the person appointed to execute, or to do it, shall be paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(3) The provisions of sub-section (2) of section 154 shall apply, so far as may be, to any order made under this section in the same manner and to the same extent as if it were an order of the Commissioner.

Power to provide for performance of duties in default of District Board.

156. (1) When the Government is informed on complaint made or otherwise, that a District Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Government, if satisfied after due enquiry, that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

Supersession of District Boards.

157. (1) If a District Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds, or abuses its powers, the Government may, by an order published, with the reasons for making it, in the *Mysore Gazette*, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

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(2) When a District Board is so superseded, the following consequences shall ensue:—

Consequences of supersession of District Boards.

(*a*) all members of the District Board shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoint in that behalf;

(*c*) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for election:

Provided that such supersession shall not continue for more than one year at a time.

Disputes between District Boards.

158. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more municipal councils, the matter shall be referred to the Government whose decision shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government, Commissioner and Deputy Commissioner over subordinates.

159. In respect of officers employed by a District Board, the Government and the Commissioner, and in respect of officers employed by a Village Panchayet, the Government, the Commissioner and the Deputy Commissioner concerned shall exercise the same authority and control which they or he exercises over their or his subordinates of corresponding status in the general and revenue administration.

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160. (1) If the circumstances of any district or part of a district or any village or part of a village are in the opinion of the Government such that all or any of the provisions of this Act are unsuited thereto, the State Government may, by notification in the *Mysore Gazette*, exempt the district or part of the district or village or part of the village from the operation of these provisions and thereupon these provisions shall not apply to the exempted district, village or part of the district or village until again applied thereto by a subsequent notification of the Government.

Power under special circumstances to exempt the District Boards from the operation of the Act.

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Act to which the notification applies. Such rules, when published in the *Mysore Gazette*, shall have the force of law.

Power to make rules in relation to notification under sub-section (1).

161. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction, before a magistrate, to a fine, not exceeding five hundred rupees :

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

Provided that no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any Joint-Stock Company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

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Restrictions with respect to actions against District Board.

162. (1) No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

And every such action shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced within eight months next after the accrual of the cause of action and not afterwards.

(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

(3) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a District Board acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

Institution of legal proceedings against Panchayet member, officer, servant or agent and bar of certain suits.

163. (1) (*a*) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(*b*) Every such action shall be dismissed unless it is instituted within eight months after the accrual of the alleged cause of action.

(*c*) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

(3) Nothing in this section shall be deemed to apply to any suit under section 54 of the Specific Relief Act.

Deputy Commissioner's right to requisition records, etc.

164. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayet shall, on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same.

(2) The Deputy Commissioner of the District may also take steps to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1888, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Panchayet, may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.

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(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayet are concealed, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal shall lie to the Commissioner from the order of the Deputy Commissioner under this section.

Acquisition of land.

165. Where any land is required for the purpose of this Act, the Government may, at the request of a District Board or Panchayet, and on the recommendation of the Deputy Commissioner, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894; and on payment by the District Board or Panchayet of the compensation awarded under that Act, and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board or Panchayet, as the case may be.

Obstructions and encroachments upon public streets and open spaces.

166. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, vested in a District Board, or in, or over, or upon, any open drain, gutter, sewer or acqueduct in such street, shall, on conviction by a magistrate, be punished with fine which may extend to fifty rupees.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in Chapter X.

(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of, or erections in, any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section.

CHAPTER XII

MISCELLANEOUS.

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167. Every member of a Panchayet or District Board and every officer and servant, maintained by or employed under a Panchayet or District Board, shall be deemed to be a public servant within the meaning of the section 21 of the Indian Penal Code.

Application of term "public servant" to members of Panchayets and District Boards and their officers and servants.

168. (1) Whoever, in any area within the jurisdiction of a Panchayet—

Punishment for offences under this Act and powers to compound.

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it;

(*b*) uses any place for an offensive or dangerous trade without a licence required by section 31 or contrary to the conditions imposed therein; or

(*c*) disobeys an order issued under sub-section (3) of section 34; or

(*d*) commits any other offence under this Act or such rules thereunder as are notified by the Government as being punishable under this section;

shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with a further fine which may extend to five rupees for every day after conviction during which he continues so to offend.

(2) A Panchayet may—

(*a*) accept by way of compensation a sum of money not exceeding fifty rupees from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise, no proceeding shall be taken against such person in respect of such offence;

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(*b*) compound for a similar sum any of the aforesaid offences or any offences under this Act, which may, by rules made by the Government, be declared compoundable, or withdraw from the prosecution instituted under this Act or any rule thereunder.

(3) All fines imposed by a magistrate under this section or the rules or bye-laws in respect of Panchayets made under this Act shall be recovered and credited to the Panchayet Fund.

Panchayet may prosecute.

169. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Act, or of any rule or bye-law made thereunder relating to Panchayets and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Act shall be instituted more than six months after the commission of such offence.

Form of notices.

170. All notices given or issued under the provisions of this Act shall be in writing.

Method of serving document.

171. (1) When any notice or other document is required by this Act or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof, may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the village and his address elsewhere is known to the Secretary of a Panchayet or the Chief Executive Officer of a District Board, by sending the same to him by post registered; or

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(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) In the case of joint-owners and occupiers, it shall be sufficient to serve the notice or other document on, or send it to any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Act or the rules thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Act or the rules thereunder, be calculated from the date of such service or sending.

172. (1) The Government may make rules or orders to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which they consider that a form should be provided. Powers to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules or orders :—

A. For Panchayets—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ;

(*b*) for giving intimation of vacancies in the offices of Chairman and members of a Panchayet for fixing time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections ;

(*c*) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts ;
and regarding

(*d*) the powers that may be exercised by the Chairman ;

(*e*) the grant of leave to the Chairman and Secretary and for the conduct of business during their absence ;

(*f*) the levy of taxes, cesses, rates, fees or other dues under this Act, their assessment and recovery, including the procedure to be adopted during distraint, sale, etc;

(*g*) the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;

(*h*) the returns, statements and reports to be submitted by Panchayets;

(*i*) the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(*j*) the manner in which notifications and orders under this Act shall be published;

(*k*) instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(*l*) the powers and functions, qualifications, manner of recruitment and training of Secretaries of Panchayets;

(*m*) the class of magistrates by whom offences under this Act or the rules thereunder shall be tried;

(*n*) the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Act.

B. For District Boards—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) with reference to all matters relating to elections; and regarding

(*c*) the remuneration and allowances, if any, of members, Presidents and Vice-Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made;

(*d*) the submission of resolutions on questions connected with the administration of the district;

(*e*) the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass;

(*f*) the conditions on which property may be acquired or transferred by District Boards;

(*g*) the mode of payment from the District Fund and the authority under which the District Fund shall be expended;

(*h*) the conditions on which grants-in-aid shall be paid from the District Fund;

(*i*) the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries;

(*j*) the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears;

(*k*) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord technical or administrative sanction to estimates;

(*l*) the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(*m*) the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards;

(*n*) the mode in which the officers of the Government shall advise and assist District Boards in carrying out the purposes of this Act;

(*o*) the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees;

(*p*) the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Act and not herein specifically provided for; and

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(*q*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the magistrate.

(3) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and in Kannada.

Power of Panchayet to make bye-laws.

173. (1) Subject to the provisions of this Act and any rules made in this behalf by the Government, a Panchayet may make bye-laws in respect of the following matters :—

(*a*) regarding the time, place and the conduct of meetings of Panchayets ;

(*b*) regarding the appointment of the officers and servants of the Panchayets and their salaries, allowances, pensions, gratuities, transfers and punishments (except Secretary) ;

(*c*) regulating the conservancy of villages ;

(*d*) providing for the protection and periodical examination of wells and water-supply in villages ;

(*e*) defining and prohibiting public nuisances in villages ;

(*f*) improving the sanitation of villages in other similar respects ; and

(*g*) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed ;

(*h*) providing for the management of minor muzrai institutions ;

(*i*) providing for the levy of profession tax and the rate or rates therefor ;

(*j*) providing for management of shandies, fairs, and other forms of entertainment ;

(*k*) regulating the use of water for drinking purposes and sources thereof ;

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(*l*) regulating the discharge of water from drains or from premises ;

(*m*) preventing damage to public streets and Panchayet property ;

(*n*) regulating drainage generally ;

(*o*) regulating the use of public streets or other public places by shop-keepers ; and

(*p*) regulating the use of tanks, ponds, gomal, playgrounds, bathing and other public places.

(2) Any bye-laws made by a Panchayet shall be subject to the previous approval of the Commissioner and shall take effect on publication in such manner as may be approved by the Government and any person who contravenes any bye-laws made by a Panchayet shall, on conviction before a magistrate, be punished with fine not exceeding twenty rupees for each offence and in case of a continuing offence with a further fine which may extend to two rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Power of District Board to make regulations.

174. (1) A District Board may, from time to time, and subject to the provisions of this Act and to such rules as may be prescribed by the Government in this behalf and with the previous sanction of the Government, make regulations,—

(*a*) for the general or special regulation, inspection, and control of *musafirkhanas*, travellers' bungalows, rest houses, cart-stands, bus-stands, markets, slaughter-houses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule III and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

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(*b*) (i) for regulating all matters connected with sanitation;

(ii) for empowering the President or any person authorised by the Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purposes;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose or purposes;

(*d*) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;

(*e*) (i) for regulating the prevention and spread of dangerous diseases;

(ii) for prohibiting the use of any source of water supply, whether private or public, during epidemics;

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(iii) providing for the inspection of persons, travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;

(iv) for empowering the President or any person duly appointed by the Board to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board; and for destroying such articles as are likely to retain infection paying compensation for articles so destroyed;

(*f*) for regulating the use of public roads and the traffic thereon; for the temporary occupation or use of public roads and land vested in the Board; and for securing cleanliness, safety and order in respect of the same;

(*g*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the District Board;

(*h*) for providing for—

(i) the establishment of public ferries and their management;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission ;

(iii) the rates of fees that may be levied on passengers' vehicles, animals, goods or the loads that may be carried in any public ferry boat ;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property ;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them ;

(vi) the inspection of the ferries and the ferry boats ; and

(vii) otherwise for the due discharge of their duty by ferrymen and other persons employed at a public ferry ; and

(viii) with respect to the conduct of business of District Boards and committees and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards ;

(ix) the delegation of powers of the President, the Vice-President or other officers or members or committees ;

(2) Any person who contravenes any regulation made under this section shall, on conviction before a magistrate, be punished with fine not exceeding fifty rupees for each offence and in case of a continuing offence, with a further fine which may extend to ten rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Transitory provisions relating to existing Panchayets and District Boards.

175. (1) Until a District Board has been duly constituted under this Act, the body functioning as the District Board in that district immediately before the commencement of this Act, shall be deemed to be a District Board constituted under this Act and shall exercise the powers and perform the duties conferred on a District Board by or under the provisions of this Act.

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(2) Until a Panchayet has been duly constituted under this Act, the body functioning as a Village Panchayet for a village or group of villages before the commencement of this Act, shall be deemed to be the Panchayet constituted under this Act for that village or those villages and shall exercise the powers and perform the duties conferred on a Panchayet by or under the provisions of this Act.

Saving of rules and bye-laws.

176. (1) Any rules made or orders passed by the Government and orders made by a Village Panchayet which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if made or passed under this Act.

(2) Any rules made or orders passed by the Government and any bye-laws or orders made by a District Board which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if they were rules made, or orders passed by the Government or regulations made by a District Board under this Act.

Repeal of Mysore Acts II and III of 1926.

177. The Mysore Village Panchayet Act, 1926, and the Mysore District Boards Act, 1926, are hereby repealed :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Acts or rules or bye-laws or orders thereunder ;

(*b*) any appointment, notification, notice, order, scheme, licence, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Acts or rules, bye-laws or orders thereunder, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Act ;

(*c*) the assets and liabilities of the aforesaid District Boards and Panchayets in such district, village or group of villages shall, subject to such conditions as may be imposed by the Government, devolve on the District Board or Panchayet

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constituted or continued under this Act; provided that any funds set apart for a specific purpose by the aforesaid Boards or Panchayets, shall not be diverted for any other purpose, without the consent of the District Board or Panchayet thus constituted or continued.

SCHEDULE I.

MAXIMUM RATES OF TAX LEVIABLE ON HOUSES, SHOPS, PLACES OF TRADE OR BUSINESS, VACANT SITES AND *Hittals* AND CARTS.

(*See section 39*).

A. House Tax.

	Rs.	Rs.	Per annum. Rs. a. p.
Class A—Buildings of the value not exceeding ...	25	...	0 4 0
Class B—Buildings of the value exceeding	25	But not exceeding 50	0 8 0
Class C Do ...	50	200	1 0 0
Class D Do ...	200	400	2 0 0
Class E Do ...	400	600	3 0 0
Class F Do ...	600	800	4 0 0
Class G Do ...	800	1,000	5 0 0
Class H Do ...	1,000	1,500	7 8 0
Class I Do ...	1,500	...	10 0 0

In respect of buildings, the value of which exceeds the above amount, the tax may be levied at the rate of four annas for every hundred rupees but not exceeding twenty-five rupees in any case.

B. Shop Tax.

			Rs.	a.	p.	
1. Wholesale shop (Mandi)	1st	Class...	25	0	0	each
	2nd	„ ...	20	0	0	„
	3rd	„ ...	15	0	0	„
	4th	„ ...	10	0	0	„
2. Other shops ...	1st	„ ...	25	0	0	„
	2nd	„ ...	10	0	0	„
	3rd	„ ...	6	0	0	„
	4th	„ ...	4	0	0	„
	5th	„ ...	2	0	0	„
	6th	„ ...	1	0	0	„

C. Tax on Places of Trade or Business.

			Rs.	a.	p.	
Other shops ...	1st	Class ...	25	0	0	each
	2nd	„ ...	20	0	0	„
	3rd	„ ...	15	0	0	„
	4th	„ ...	10	0	0	„
	5th	„ ...	6	0	0	„
	6th	„ ...	4	0	0	„
	7th	„ ...	2	0	0	„
	8th	„ ...	1	0	0	„

D. Cart Tax.

	Rs.	a.	p.	
Single bullock-carts, *Waddara bandis*	1	0	0	each per annum
Double bullock-carts ...	2	0	0	"
Jutkas ...	1	0	0	"

E. Tax on vacant sites and hittals.

1. Village site land occupied by house and back-yard attached thereto, when the area occupied exceeds ten guntas in the Maidan parts and 20 guntas in the Malnad.	For the area in excess of 10 guntas in the Maidan parts and 20 guntas in the Malnad.	Annas four per one hundred square yards.
2. Other occupied land not being a Revenue Survey number left vacant within the village site, whether it is a building site or land ordinarily used for purposes of agriculture.	For the whole area.	

SCHEDULE II

PROFESSIONS IN RESPECT OF WHICH PROFESSION TAX MAY BE LEVIED WITH THE MAXIMUM TAX LEVIABLE.

(See section 41.)

CLASS I.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—

	Maximum per year. Rs.
1. Owners of cotton and ginning factories ...	
2. Owners of pressing factories ...	
3. Owners of flour mills, rice hullers, oil mills and of buses and lorries	
4. Manufacturers of aerated or mineral waters ...	
5. Owners of hand-loom factories and factories driven by mechanical or electrical power ...	
6. Liquor shop-keepers, toddy shop-keepers ...	25
7. Licensees of toddy booths, bhang, ganja, opium and other intoxicating drugs ...	
8. Hotel-keepers and boardings, eating, refreshment, house-keepers, licensees of mutton shops ...	
9. Hawkers and itinerant vendors ...	
10. Carpenters, black-smiths, tailors, barbers, potters and contractors	
11. Practising physicians and hakeems ...	

CLASS II.

	Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 500 a month or upwards ...	20

CLASS III

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 300 a month or upwards	10

CLASS IV.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	6

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	3

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees thirty a month or upwards ...	1

SCHEDULE III.

(See section 42).

MAXIMUM RATES OF TAXES ON SHANDIES, FAIRS AND FESTIVALS

PART I.

FEES ON CATTLE.

	Rs.	a.	p.
(1) On every cattle-head brought for the cattle show (except in the case of young calves) ...	0	8	0
(2) On every head of draught bullocks passing into the precincts of the cattle show ...	0	8	0

PART II.

TAX ON SHOP SITES. 278

The area around the temple in respect of which the fair or festival is held may be divided into suitable blocks, based on the proximity thereof to the institution and the fee levied on the area occupied by the shop, subject to a maximum of Rs. 8 per square yard and a minimum of Rs. 2 per square yard.

In respect of space taken in terms of yards for keeping stalls the following rates are leviable.--

		Rs.	a.	p.
1.	For sale of flowers, betel leaves and plantains brought in head-loads in baskets. ...	0	8	0
2.	Per cart-load of cocoanuts ...	0	8	0
3.	For offerings of silver pieces to the Deity by the devotees with the usual concessions in respect of six families—For every place of the offering	8	0	0
4.	In respect of every stall opened on the pials of houses in the bazaar street ...	16	0	0
5.	For every hotel run in houses ...	16	0	0
6.	In cases where "Bhakshya" dishes are sold in hotels for every such hotels ...	20	0	0
7.	In respect of every show in the case of dramas	20	0	0
8.	Do do cinemas...	20	0	0
9.	Do do circuses...	20	0	0
10.	For every Merry-go-round ...	16	0	0
11.	For every Mill-stone Stall ...	8	0	0
12.	For every shop selling camphor, flowers, fruits, etc., near temples	2	0	0
13.	For every Mutton or Meat-shop ...	20	0	0
14.	In respect of Picture Shows through Magnifying glasses—per every premises for every day	16	0	0
15.	For Arrack and Toddy shops—per day ...	12	0	0
16.	For every Pottery shop	2	0	0
17.	For sale in head-loads (except in the case of sale of fuel and grass)	1	0	0
18.	For sale on push-carts— for every cart ...	2	0	0
19.	From every Hawker in the streets ...	2	0	0

PART III.

Statement of taxes chargeable on articles in a market or shandy.

Sl. No.	Description of Shops	Maximum Rates								
		I Class			II Class			III Class		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Pottery stall ...		...		0	8	0	0	4	0
2	Sweet-meat, Coffee, Cakes, etc., Restaurant ...	1	0	0	0	8	0	0	4	0
3	Cloth stall (stitched and unstitched) bed sheets, blankets, etc., stall ...	1	0	0	0	8	0	0	4	0
4	Groundnut stall ...		..		0	4	0	0	2	0
5	Rice, Dhall, Ragi, etc., Bran stall	1	0	0	0	8	0	0	4	0
6	Indigenous Drugs stall ...		...			...		0	2	0
7	Vegetable stall per basket (worth 8 annas) ...		...			...		0	2	0
8	Vegetable stall per basket (less than 8 annas) ...		...			...		0	1	0
9	Fish stall ...		..			....		0	4	0
10	Bamboo Winnows, Basket, Mat, etc., stall ...		...			...		0	4	0
11	Cutlery Stall (Knife, Scissors, etc.)	1	0	0	0	8	0	0	4	0
12	Fruit stall ...		...		0	4	0	0	2	0
13	Tobacco stall ...	1	0	0	0	8	0	0	4	0
14	Eggs' stall ...		...			...		0	4	0
15	Betel leaves stall for every 25 bundles and fraction thereof...		...			...		0	2	0
16	Match box stall ...		...			...		0	2	0
17	Kaddipudi stall ...		...		0	8	0	0	4	0
18	Bakery stall ...		...			...		0	4	0
19	Kerosencoil stall ...		...			...		0	4	0
20	Jaggery stall ...	1	0	0	0	8	0	0	4	0
21	Salt stall ...		...			...		0	4	0
22	Onions, Garlick, etc., stall ...		...			...		0	4	0
23	Cocoanut stall ...	0	8	0	0	4	0	0	2	0
24	Tailor's shop (with Tailoring Machine) ...		...			...		0	8	0
25	Bangles' stall ...		...			...		0	4	0
26	Silk or Yarn stall ...		...			...		0	8	0
27	Areca-nut stall ...		...		0	8	0	0	4	0
28	Snuff stall ...		...			...		0	4	0
29	Flower stall ...		...			...		0	2	0

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Sl. No.	Description of Shops	Maximum Rates								
		I Class			II Class			III Class		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
30	Stalls other than those described above ...	0	8	0	0	4	0	0	2	0
31	Snacks Stall ...		...			...		0	8	0
32	Meat or Butcher's stall ...	1	0	0	0	8	0	0	4	0
33	Cattle stall per Sheep and Goat ...		...			...		0	2	0
34	Cows, Bulls, Bullocks per head ...		...			...		0	8	0
35	Sheep per head ...		...			...		0	4	0
36	Fowls per head ...		...			...		0	2	0
37	Hides and skins—each ...		...			...		0	2	0
38	Combined stalls containing two or three varieties of stalls of the description noted above ...	1	0	0	0	8	0	0	4	0
39	For every laden cart ...	1	0	0		...			...	
40	For every unladen cart ...	0	8	0		...			...	
41	Hardware shop ...	1	0	0	0	8	0	0	4	0
42	Vessels shop ...	1	0	0	0	8	0	0	4	0
43	Horse-shoeing ...		...			...		0	8	0
44	Glassware stall ...		...		0	8	0	0	4	0
45	Chunnam stall ...		...			...		0	2	0
46	Kadalepuri stall ...		...			...		0	4	0
47	Grainsmeasuring stall ...	1	0	0		...			...	
48	Goldsmith's stall ...	2	0	0		...			...	
49	Half-a-ton Lorry on each Lorry ...	1	0	0		...			...	
50	Sugarcane stall ...		...			...		0	4	0
51	Sheep and Goat skins ...		...			...		0	2	0

NOTE—1. Stalls having articles of the value of Rs. 25 and more should be classified as I Class.

2. Stalls having articles of the value of more than Rs. 5 and less than Rs. 25 should be classified as II Class.

3. Stalls having articles of the value of less than Rs. 5 should be classified as III Class.

4. Those who have paid tolls on a laden-cart and have obtained a receipt for the same are exempted from the payment of shop tax.

5. Head-loads of the value of less than four annas are exempted from shandy tax.

6. Articles (1) locally-made or (2) of hand-loom manufacture, bearing the seal of the Mysore Industries and Commerce Department, are exempted from the payment of shandy tax.

SCHEDULE IV.

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Composition of District Boards.

(See section 50)

Name of the District Board.	*Number of Members.*
1. Bangalore	40
2. Mysore	36
3. Mandya	25
4. Hassan	23
5. Shimoga	20
6. Chikmagalur	20
7. Chitaldrug	29
8. Tumkur	40
9. Kolar	34

SCHEDULE V.

PURPOSES FOR WHICH PLACES MAY NOT UNDER SECTION 98 BE USED WITHOUT A LICENCE.

(See section 98.)

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or showing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing, or manufacturing any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, sifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

hillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Clothes.—Dyeing.

Coal.—Dumping, sifting, selling or storing.

Cocoanut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including rosin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

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Keeping together pigs or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the District Board, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. S.R. 7364—L. & P. 1-51-8, dated Bangalore, the 30th January 1952.

ERRATUM.

Substitute figure *1951* in place of *1952* printed in Clause (*a*) of Rule 2 of the Rules under the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, issued in Notification No. S. R. 7326—L. & P. 1-51-3 dated 28th January 1952, published as Gazette Extraordinary on 28th January 1952.

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. F.L. 6477—S.T. 52-51-2, dated Bangalore, 29th January 1952.

The following draft of an amendment to the Schedule to the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948) which it is proposed to make in exercise of the powers conferred by the proviso to sub-section (4) of Section 3 of the said Act, is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 4th February 1952. Any objection or suggestion which may be received in respect of the draft before the said date will be considered by the Government.

DRAFT AMENDMENT.

In the second para of sub-rule (2) of rule 1 of the Rules for the computation of turnover in the Schedule, the following changes shall be made:—

(*a*) in the case of an electrical contract.	For "20 per cent" "30 per cent" shall be substituted.
(*b*) in the case of other contracts.	For "30 per cent" "85 per cent" shall be substituted.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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BANGALORE, WEDNESDAY, FEBRUARY 6, 1952.

NOTIFICATION.

No. E.B 16609--Eln. 164-51-1, dated Bangalore, 6th February 1952.

In exercise of the powers conferred by clause (*b*) of sub-section (3) of Section 27 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), His Highness the Maharaja of Mysore is pleased to direct that in the schedule to Notification No. E.B. 1241—Eln. 25-50-8, dated the 23rd June 1951, the following shall be inserted as serial No. 23 :—

"23. The Indian Institute of Science, Bangalore."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 10278-288—Pol. 395-51-2, dated Bangalore, 1st February 1952.

In exercise of the powers conferred by Section 8 of the Mysore Cinematograph Act, 1923 (Mysore Act XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Cinematograph Rules, 1946, namely :—

In the said rules,

1. In rule 7, clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted as clause (*b*);

"(*b*) 'Fire Officer' means in places where the Fire Brigade Service is located, the Fire Officer of the Mysore State Fire Brigade having jurisdiction in the place in which the Cinema Theatre is situated;"

2. (i) In rule 8, in sub-rule (i) in clause (*b*) the word "and" shall be omitted; and after clause (*c*), the fullstop shall be substituted by semi-colon and the word "and" and the following clause shall be added thereafter, namely :—

"(*d*) by the Fire Officer,"

(ii) In sub-rule (3), for the words "and the Executive Engineer shall report to the Licensing Authority whether the building satisfies the requirements of the rules contained in this Chapter,", the words "the

Executive Engineer and the Fire Officer shall report to the Licensing Authority whether the building satisfies the requirements of the rules contained in this Chapter and the provisions relating to protection from fire, as the case may be," shall be substituted.

(iii) In sub-rule (4), for the words "the Executive Engineer or any Police Officer" the words "the Executive Engineer, the Fire Officer or any Police Officer" shall be substituted.

3. In rule 10, for the words "the Executive Engineer", the words "the Executive Engineer or the Fire Officer" shall be substituted.

4. For rule 13, the following rule shall be substituted namely :—

"13. The Licensing Authority shall forward one copy each of the application, plans and drawing and other connected papers to the Executive Engineer, the Fire Officer and the Electrical Inspector or any person authorised by him in this behalf who shall examine them and inspect respectively the buildings and the cinematograph plant, the fire fighting arrangements and the electric installation. If the Executive Engineer is satisfied that the building satisfies the requirements of these rules, he shall forward to the Licensing Authority a report as to the suitability of the building together with the drawings duly certified by him. If the Fire Officer is satisfied that the building satisfies the provisions of these rules relating to protection from fire, he shall forward to the Licensing Authority a report as to the adequacy of the fire fighting arrangements. If the Electrical Inspector or any person authorised by him in this behalf after inspection, is satisfied that a licence may issue, he shall forward to the Licensing Authority a report as to the suitability of the projection room, the cinematograph plant and electrical installation together with the connected drawing duly certified by him."

5. In rule 14, for the words "copies of the Electrical Inspector's and the Executive Engineer's reports shall also be delivered to the applicant with the licence," the words "copies of the reports of the Electrical Inspector, the Executive Engineer and the Fire Officer shall also be delivered to the applicant with the license," shall be substituted.

6. In rule 22, for the words "by the Executive Engineer or by the Electrical Inspector," the words "by the Executive Engineer or by the Fire Officer or by the Electrical Inspector" shall be substituted.

7. In rule 23, for the words "by the Licensing Authority, the Executive Engineer, the Electrical Inspector or any person authorised by him in this behalf," the words "by the Licensing Authority, the Executive Engineer, the Fire Officer, the Electrical Inspector or any person authorised by him in this behalf" shall be substituted.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

No. T. 6714—R.T. 144-50-9, dated Bangalore, 30th January 1952.

In exercise of the powers conferred by Section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in Mysore Motor Vehicles and Road Traffic Rules, 1945, the draft of the same having been previously published in Part IV, Section 2 (B) of the *Mysore Gazette*, dated the 3rd January 1952, in Notification No. T. 5914—R.T. 144-50-8, dated the 26th December 1951, as required by Section 133 of the said Act.

AMENDMENTS.

1. In Rule 272 of the Mysore Motor Vehicles and Road Traffic Rules, 1945,

(1) In sub-rule (*a*) after the words, "any police officer in uniform not below the rank of Sub-Inspector" the words "or any officer of the Central Excise Department in uniform not below the rank of Inspector" shall be inserted, and for the words "the Police Officer", the words "the said officer" shall be substituted.

(2) In sub-rule (*b*), for the words "the Police Officer" the words "the Police Officer or the Officer of the Central Excise Department, as the case may be", shall be substituted, and for the words "the Police Officer has" the words, "the said officer has" shall be substituted.

2. In Rule 273 of the said Rules, after the words "any Police Officer in uniform" the words "Or any Officer of the Central Excise Department in uniform not below the rank of Inspector" shall be inserted.

By Order of His Highness the Maharaja,

No. L. 11988—Ml. 178-51-2, dated Bangalore, 31st January 1952.

In exercise of the powers conferred by clause (t) of Section 55 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to direct every Municipal Council to make reasonable provision for compost making within the Municipality under its authority.

By Order of His Highness the Maharaja,

No. S. R. 7499—A.E.P. 12-51-2, dated Bangalore, 4th February 1952.

In exercise of the powers conferred by clause (e) of sub-section (3) of Section 56 of the Administration of Evacuee Property Act, 1950 (Central Act No. XXXI of 1950), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

Short Title

1. These rules may be called the Mysore Administration of Evacuee Property Rules, 1951.

Inspection and Audit of Books of Account.

2. The books of account maintained by the Custodian of Evacuee Property and the Deputy Custodians of Evacuee Property in the State of Mysore shall be audited by the Comptroller and Auditor-General of India or an officer nominated by him in such manner as may be prescribed by him in this behalf from time to time.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

No. L. S. 4290—L.W. 204-51-3, dated Bangalore, 31st January 1952.

In exercise of the powers conferred by sub-section (1) of Section 5A of the Cotton Ginning and Pressing Factories Act 1925 (Central Act XII of 1925), His Highness the Maharaja of Mysore is pleased to bring the provisions of the said Section into force at once in the State of Mysore.

By Order of His Highness the Maharaja,

No. L.S. 4292—L.W. 204-51-4, dated Bangalore, 31st January 1952.

In exercise of the powers conferred by Section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), as amended by the Amendment Act, 1942, (IX of 1942), His Highness the Maharaja of Mysore is pleased to make the following rules, *viz.* —

Short title and commencement.

1. (i) These rules may be called the Cotton Ginning and Pressing Factories Rules, 1952.

(ii) They shall come into force at once.

Definitions.

2. In these Rules 'Act' means the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), as amended by the Amendment Act, 1942 (IX of 1942).

Forms and Registers.

3. (i) The Ginning Register under sub-section (1) of Section 3 shall be maintained in the form of Schedule "A" annexed hereto. It shall include the name of the Factory, its situation and the name of the owner or lessee.

(ii) The Press Register under sub-section (2) of Section 3 shall be maintained in the form of Schedule "B" annexed hereto.

(iii) The weekly returns of bales of cotton pressed under sub-section (1) of Section 5 shall be submitted in the form of Schedule "C" annexed hereto.

(iv) The weekly returns of bales of cotton ginned under sub-section (2) of Section 5-A shall be submitted in the form of Schedule "D" annexed hereto.

Power to examine Registers.

4. The District Magistrate, Inspector of Factories or any other officer specially empowered by the Government to enter and inspect Cotton Ginning or Cotton Pressing Factories may when making such inspection examine the registers mentioned in Rule 3 and test the accuracy of the entries therein made.

Returns under Sections 5 and 5-A.

5. (i) The returns under Sections 5 and Section 5-A shall be submitted to the Chief Inspector of Factories.

(ii) The weekly returns under sub-section (1) of Section 5 in the case of Cotton Pressing Factories and under sub-section (2) of Section 5-A in the case of Cotton Ginning Factories shall be for the seven days ending on the Friday of each week and shall be posted not later than the following day.

(iii) When a Pressing Factory or a Ginning Factory finally ceases work for the season, a statement to that effect shall be made in the last weekly return.

Compilation and publication of Returns.

6. (i) The statements to be compiled under sub-section (2) of Section 5 shall be published monthly in the *Mysore Gazette* in Schedule "E" annexed hereto.

(ii) The statements to be compiled under sub-section (3) of Section 5-A shall be published monthly in the *Mysore Gazette* in Schedule "F" annexed hereto.

Manner of service of orders.

7. The manner of service of orders under Section 9 shall be by Muddam Delivery in the case of local factories and in other cases by Registered Post.

Owners of factories to give facilities for inspection.

8. The Inspectors appointed or authorised shall be supplied with standard weights prescribed by the Government and every owner of a Cotton Ginning or Cotton Pressing Factory shall, at all reasonable times, give every such Inspector free access to all parts of his factory for the purpose of discovering or inspecting the scales, weighing apparatus and weights in use therein and comparing the weights with the standard weights supplied to the Inspector.

Authorities for the purpose of Sections 7 and 8.

9. The prescribed authority for the purposes of Sections 7 and 8 and sub-sections 1, 2 and 4 of Section 9 shall be the Chief Inspector of Factories.

Power to enter and inspect factories.

10. The District Magistrates, the Chief Inspector of Factories or other officer specially empowered in this behalf by the Government may, at any time during the usual working hours, enter any Cotton Ginning or Cotton Pressing Factory and may make such inspection of the premises and of any prescribed registers as he may deem necessary for the purpose of the Act and of any Rules made thereunder.

Press Mark to be exhibited.

11. The owner of every Pressing Factory shall exhibit in a conspicuous place a notice showing the mark allotted to the Factory under Section 13 of the Act.

SCHEDULE "A".

Ginning Register.

[*Sub-rule* (i) *of Rule* 3.]

Name and number of Factory	Name and address of owner	Name of Regtd. Lessee (if any)	Year	Month

Name of persons for whom cotton was ginned	Quantity (by weight in lbs. *avoirdupois* of Kapas on cotton ginned for each person in Col. 1)		Date on which ginned	Remarks	Signature of owner or person in charge of the factory or person authorised by owner
	Kapas	Cotton			
1	2	3	4	5	6

SCHEDULE "B".

Press Register.

[*Sub-rule* (ii) *of Rule* 3.]

Name and number of Factory	Name of owner	Name of lessee (if any)	Press Mark

Year, month and day	Total number of bales pressed	Serial number of bales	Name of person for whom pressed	In these columns may be entered the weights of bales, average weights, etc., to facilitate the preparation of the returns under Section 5	Signature of owner or person in charge of the factory or person authorised by owner
1	2	3	4	5	6

SCHEDULE "C".

Return of Cotton Pressed for the week ending.....

[*Sub-rule* (iii) *of Rule* 3.]

Name and number of Pressing Factory	Name of owner	Name of Regtd. lessee (if any)	Press Mark	Correct postal address of Factory

Trade Description	Number of bales pressed during the week	Average net weight per bale in lbs. *avoirdupois*	Number of bales pressed since the commencement of the session (*i.e.*, since 1st September to the end of week	Remarks (if any)
1	2	3	4	5
COTTON LINT 1 Mysore American. 2 Kumuta ordinary. 3 Nadam, Bourbon Uppam.				
Total ...				
Cotton Waste ...				

Place.....

Date.....

Signature of owner or person in charge.

IV-B.

SCHEDULE "D".

Return of Cotton Ginned for the week ending.....

[*Sub-rule* (iv) *of Rule* 3.]

Name of ginning factory	Name of owner	Name of Regtd. lessee (if any)	Correct postal address of factory

Number of bales ginned during the week	Average net weight per bale		Since 1st September		Remarks (if any)
	Kapas	Lint	Kapas	Lint	

Place.....

Date.....

Signature of owner or person in charge.

SCHEDULE "E".

Monthly Cotton Press Return.

[*Sub-rule* (i) *of Rule* 6.]

Quantity of Cotton Pressed expressed in Bales of 392 lbs. each.

State and Division or Block	Variety (Trade Description)	Number of bales pressed				Districts included in division or block
		During the month of	During the corresponding period last year	Since 1st September	During the corresponding period last year.	

SCHEDULE "F".

Monthly Cotton Kapa Ginned Return.

[*Sub-rule* (ii) *of Rule* 6.]

Quantity of Cotton Kapas Ginned expressed in bales of 392 lbs. each during the month of..... .....

State, Division or Block	During the month		During the corresponding month last year		Since 1st September		During the corresponding period last year		Districts included in division or block
	Kapas	Lint	Kapas	Lint	Kapas	Lint	Kapas	Lint	

By Order of His Highness the Maharaja,

No. L.S. 4330—P.W.R. 49-51-2, dated Bangalore, 1st February 1952.

In modification of Government Notification No. L.S. 2482—P.W.R. 21-50-4, dated 10th October 1950, the Labour Commissioner in Mysore is hereby declared to be the authorised officer in the State to notify to the State Employment Exchange the legality or otherwise of strikes or lock-outs as and when they occur in the non-Central Government and private undertakings in the State and to advise the Exchange whether or not to register vacancies arising out of such strikes or lock-outs and to recommend applicants on the Exchange List for appointments in such vacancies.

By Order of His Highness the Maharaja,

No. L.S. 4340—L.W. 274-51-2, dated Bangalore, 2nd February 1952.

Fixation of opening and closing hours of Restaurants which are adjuncts to Cinema and Drama Theatres.

Notice is hereby given that His Highness the Maharaja of Mysore proposes to pass an order under sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from *1st March 1952* no restaurant or hotel which caters only in the Cinema or Drama Theatres situated within the limits of the Corporation of the City of Bangalore, Mysore City Municipality, Kolar Gold Fields Sanitary Board and the Town Municipalities of Shimoga and Chickmagalur, shall be opened on any day earlier than 9 A.M. or closed later than 1 A.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Legal Remembrancer and Secretary to Government, Law Department, Bangalore, on or before the 1st March 1952.

By Order of His Highness the Maharaja,

No. L.S. 4342—L.W. 274-51-3, dated Bangalore, 2nd February 1952.

Fixation of opening and closing hours for Restaurants and Eating Houses—amendment to notification dated 10th December 1949.

Notice is hereby given that His Highness the Maharaja of Mysore proposes to amend under sub-section 1 of Section 13 of the Mysore Shops and Establishments Act, 1948, Government Notification No. L.S. 539—L.W. 63-49-14, dated 8th May 1951, fixing opening and closing hours for Restaurants and Eating Houses as noted below.

Any person wishing to make any objection or suggestion with respect to the amendment shall send it in writing to the Secretary to Government, Law Department, on or before 1st March 1952.

Draft Amendment.

After the words "no restaurant or eating house" occurring in the said notification, insert the words "except restaurants or eating houses which are adjuncts to Cinema or Drama theatres."

By Order of His Highness the Maharaja,

No. L.S. 4355—L. W. 275-51-4, dated Bangalore, 4th February 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is hereby pleased to exempt shops run by owners or members of their families, not in receipt of wages and dependent on the employer, from the provisions of Section 47 of the said Act, subject to the condition that a "Visit Book" is maintained as required under Rule 37 (11) of the Mysore Shops and Establishments Rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. C. 1518, dated Bangalore, the 1st February 1952.

In exercise of the powers conferred by Section 3 and clause (*a*) of sub-clause (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the schedule specified in column hereunder which are manufactured by Imperial Chemical Industries (India), Ltd., Martin and Harris, Ltd., Calcutta ; Messrs. Merck & Co., Ltd., Canada ; Messrs. Merck & Co., Inc. USA ; Lederle Laboratories (India) Ltd., Bombay ; Parke Davis and Company, Limited ; and Burroughs Wellcome & Co., for the prices specified in Col. 2 of the said schedule the prices specified in Col. 2 hereunder shall be substituted.—

IMPERIAL CHEMICAL INDUSTRIES (INDIA), LTD.

Pencillin Crystalline (White)—'Avlon' Brand.

(Available either as the Potassium or Sodium Salt).

	Rs.	a.	p.
Vials of 0·1 mega unit :			
Singly, and in containers of 10 vials—per vial ...	0	11	3
Vials of 0·2 mega unit :			
Singly, and in containers of 10 vials—per vial ...	0	15	6
Vials of 0·5 mega unit :			
Singly, and in containers of 10 vials—per vial ...	1	12	9
Vials of 1·0 mega unit :			
Singly, and in containers of 10 vials—per vial ...	3	2	0
"Avloprocil" Brand of Procaine—Pencillin Oily injection (300,000 I.U. Pencillin and 120 mgm. Procaine Base per cc).			
Vials of 10 cc. Single, and in containers of 5 vials—Single vials	13	2	0
Vials of 1 cc. Singly and in containers of 10 vials—per vial	1	15	3
Distaquaine G crystalline Pencillin G Procaine Salt—Distillers Company (Biochemicals), Ltd., U.K.,			
Vials of 0·3 mega units—per vial	1	10	3
Distaquaine Fortified Crystalline Pencillin G Procaine Salt and Potassium Salt (Buffered) Distillers Company (Biochemicals), Ltd., U.K.			
Vials of 0·4 m.u.—per vial	1	15	6
Vials of 1·2 m.u.—per vial	4	15	0

MARTIN & HARRIS., LTD., CALCUTTA.

(Vitamins Limited, London.)

Betavel (Aneurine Hydrochloride B1)

Vials 10 cc x 100 mg/cc 5 0 0

MARTIN & HARRIS., LTD., CALCUTTA.

" Messrs. William R. Warner & Co., New York "

Omni-beta 8 oz. 23 0 0

MESSRS. MEREK & CO., LTD., CANADA.

Dihydrostreptomycin sulfate 1 gm. vial ... 4 4 0

MESSRS. MERCK & CO., INC. USA.

Produral Pencillin—

One dose vial, each vial containing 3,00,000 units of Procaine Pencillin G Crystalline and 1,00,000 units Buffered Pencillin G Potassium —per vial... 3 6 0

LEDERLE LABORATORIES (INDIA) LTD., BOMBAY.

Intraheptol—

Brand of intravenous liver concentrate (c) 10 cc ... 18 0

PARKE DAVIS AND COMPANY, LIMITED.

Chloromycetin 12s.—0·25 gm. each ... ... 33 7 0 (per vial)

BURROUGHS WELLCOME & CO.

Sulpha Drugs—

'Tabloid' Sulphadiazine 0·5 gm. 100 ... ... 16 9 0
Do do 500 ... ... 78 12 0
'Tabloid' Sulphaguanidine 0·5 gm. 100 ... 5 2 0
Do do 500 ... 22 11 0

Thyroid Gland—

'Tabloid' Thyroid (Dry Thyroid B.P.) gr. ½ 100 ... 1 13 0
Do do gr. 1 100 ... 2 8 0
'Tabloid' Thyroid Gland (Standardised) Original formula—gr. 1 100 ... ... 1 6 0

Pituitary Extract—

'Infundin' Pituitary (Posterior Lobe) Extract 10 units per cc.

0·5 cc.	6	...	...	...	4	15	0
Do	100	...	...	...	74	6	0
1·0 cc.	6	...	...	...	7	8	0
Do	25	...	...	...	29	12	0

The description of the drug " Viteolin (Vitamin E) " manufactured by the Glaxo Laboratories may be changed to " Viteolin (Vitamin E) Capsules 6 mg.".

By Order of His Highness the Maharaja,

No. C. 1529, dated Bangalore, the 1st February 1952.

In exercise of the powers conferred by Section 3 and Clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the schedule annexed to the said Notification :—

(1) To the entries under the heading "*Imperial Chemical Industries (India) Ltd.*", the following entries shall be added, namely :—

Penicillin G (Sodium Salt)—Distillers Company (Biochemicals) Ltd.—

	Rs.	a.	p
Vials of 0·1 mega unit available in boxes of 5 vials, per vial	0	11	3
Vials of 0·2 mega unit available in boxes of 5 vials, per vial	0	15	6
Vials of 0·5 mega unit available in boxes of 5 vials, per vial	1	12	9
Vials of 1·0 mega unit available in boxes of 5 vials, per vial	3	2	0

'Distaquaine' G—Crystalline Penicillin G Procaine Salt—Distillers Company (Biochemicals) Ltd. U.K.—

Vials of 0·9 mega unit (in boxes of 5 vials), per vial	3	14	6

(2) To the entries under the heading "*Volkart Brothers, Bombay*", the following entries shall be addedf namely :—

'ROCHE' SPECIALITIES.

Bepanthen 'Roche'

Panthenol—Pantothenic acid preparation	Rs.	a.	p.
Tablets 100 mg. bottles of 20	4	11	0
Do do 100	21	8	0

Ephynal 'Roche'

Vitamin E, dl-alpha-tocopherol Ampoules 300 mg. box of 3	10	0	0

(3) To the entries under the heading "*Glaxo Laboratories*," the following entries shall be added, namely :—

Viteolin (Vitamin E) Capsules 30 mg.	Rs.	a.	p.
Bottles of 25 capsules	6	0	0
Do 100 do	16	10	0

(4) For the entry "Viteolin (Vitamin E)" under the heading "*Glaxo Laboratories*", the following entry shall be substituted, namely :—

"Viteolin (Vitamin E) Capsules 6 mg."

(5) To the entries under the heading "*Burroughs Welcome & Co.*," the following entries shall be added, namely :—

	Rs.	a.	p.
Sulpha Drugs—			
'Tabloid' Sulphaguanidine 0·5 gm x 25 ...	1	8	0
'Welcome' Insulin.—			
Insulin, Unmodified 20 units per cc x 10 cc ...	2	8	0
40 do do ...	4	11	0
Penicillin (English) Crystalline G (Sodium Salt)—			
1 lac units—Box of 5 vials	4	6	0
2 do do	5	15	0
5 do do	10	15	0
10 do do	21	12	0
'Distaquaine' G Crystalline Penicillin G (Procaine Salt)—			
3 lac units—Box of 5 vials	9	6	0
9 do do	22	3	0
'Distaquaine' Fortified Crystalline Penicillin G (Procaine Salt and Potassium Salt)—			
4 lac units—Box of 5 vials	11	4	0
Penicillin Crystalline 'Tabloid' Oral (Potassium)—			
20,000 units, bottle of 20	5	7	0
1 lac units, tube of 10.	8	11	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section I-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. 5464—Law 372-51-1, dated Bangalore, 18th February 1952.

Ordered that the following Notification issued by the Government of India, Ministry of Home Affairs, be republished in *Mysore Gazette*, for general information :—

No. 44-1/52—Public.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi-2, the 9th February 1952.

In exercise of the powers conferred by section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Central Government is pleased to declare Friday, the 15th February 1952, being the day of funeral of King George VI, to be a Public Holiday throughout India.

H. V. R. IYENGAR,
Secy. to Govt. of India.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

HOME DEPARTMENT.

No. H B. 8854-64 –Ptl. 20-51-19, dated Bangalore, 30th January 1952.

Ordered that the accompanying Notification No. III (P.M.T. X-1—51 (15), dated 17th December 1951, of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

Notification No. III (PMT) X-1—51 (15), dated 17th December 1951, of the Government of India, Ministry of Rehabilitation, New Delhi.

In exercise of the powers conferred by Section 4 of the Influx from Pakistan Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that he following further amendment shall be made in the Permit System Rules, 1949, namely:—

For sub-rule (2) of rule 31 of the said Rules, the following sub-rule shall be ubstituted, namely:—

"(2) Notwithstanding anything contained in sub-rule (1), the following lasses of persons entering India from any place in East Pakistan shall be required o be in possession of a permit, that is to say:—

(*a*) persons whose domicile of origin is in West Pakistan:

PROVIDED that a Government officer having his domicile of origin in West Pakistan while posted to East Pakistan, shall not require a permit if he holds a valid certificate of identity issued by the Head of Department or office in which he is serving.

PROVIDED further that the following categories of persons also shall not require a permit if they hold an identity card issued by the Head of a Government Department or Government office in East Pakistan in which an Officer referred to below is serving:—

(i) Personal staff of an officer having his domicile of origin in West Pakistan while posted in East Pakistan when such officer is travelling on official duty only;

(ii) Family members accompanying such officer irrespective of whether such officer is travelling on official duty or not;

(iii) Family members of such officer even when travelling alone.

(*b*) Persons whose domicile of origin is in East Pakistan but who are residing in West Pakistan by reason of any employment or in the exercise of any trade, profession of calling;

(*c*) persons whose domicile of origin was in India but who have acquired a new domicile in West Pakistan;

(*d*) persons domiciled in India who after a temporary visit to, or stay in, West Pakistan, return to India through East Pakistan".

NOTIFICATION.

HOME DEPARTMENT.

No. H.B. 8869-79—Ptl. 20-51-21, dated Bangalore, 30th January 1952.

Ordered that the accompanying Notification No. III (P.M.T.) X-1—51, dated 6th December 1951, of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

Notification No. III (PMT) (X-1)—51 (14), dated 6th December 1951, from the Government of India, Ministry of Rehabilitation.

In exercise of the powers conferred by Section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949 namely:—

"In the said Rules—

(*a*) In the Rule 5, the second paragraph of Clause (iii) shall be omitted.

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(*b*) after Clause (iii) as so amended, the following clauses shall be inserted namely;

"(iii-A). A certificate of identity issued under clause (iii) shall be valid for such period not exceeding three months as may be specified therein;

PROVIDED that in the case of—

(*a*) employees of corporate bodies or firms who are transferred from their Head Office in India to a Branch Office in Pakistan; or

(*b*) students proceeding from India to Pakistan for the purpose of prosecuting their studies in that country; a certificate of identity shall be valid for such period not exceeding one year as may be specified therein.

(iii-B). The holder of a certificate of identity shall not stay in Pakistan beyond the period stated in the certificate unless the period of stay in Pakistan is extended in writing by the High Commissioner or the Deputy High Commissioner for India in Pakistan on an application made in this behalf at least fourteen days before the expiry of the period of validity of the Certificate.

NOTIFICATION.

No. L.D. 1680—Legis. 6-51-42, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S.R.O. 1732, dated the 2nd November 1951, of the Ministry of Labour appointing the Commissioner for Workmen's Compensation in the State of Mysore, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazettee*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 2nd November 1951.

S.R.O. 1732.—In exercise of the powers conferred by section 24 read with sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby appoints the Commissioners for Workmen's Compensation in the State of Mysore who are appointed by the Government of Mysore under sub-section (1) of section 15 of the said Act as authorities to hear and decide, within any area in that State all claims arising out of deductions from the wages or delay in payment of the wages, of persons employed or paid in such area, to be the authorities to hear and decide such claims in respect of persons employed or paid in that area by a railway administration.

[No. Fac.61(60).]

S. NEELAKANTAM, *Dy. Secy.*

NOTIFICATION. 309

No. L.D. 1682—Legis. 5-51-77, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S.R.O. 1721, dated the 29th October 1951 of the Ministry of Natural Resources and Scientific Research amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 29th October 1951.

S.R.O. 1721.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

(1) In rule 1, after sub-rule (i) the following sub-rule shall be inserted, namely;—

"(i-A) These rules extend to the whole of India except the State of Jammu and Kashmir".

(2) In rule 3, clauses (i) and (vi) shall be omitted and the remaining clauses shall be renumbered accordingly.

(3) For the words "an Indian citizen" wherever they occur, the words "a citizen of India" shall be substituted and for the words "Province" or "Provincial" wherever they occur the word "State" shall be substituted.

[No. M. II-155 (92).]

T. GONSALVES, Dy. Secy.

NOTIFICATION.

310

No. L.D. 1683—Legis. 5-51-78, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S.R.O. 1723, dated the 29th October 1951 of the Ministry of Rehabilitation amending the Administration of Evacuee Property (Central) Rules 1950, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 29th October 1951.

S.R.O. 1723.—In exercise of the powers conferred by section 56 of the Adminsitration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following amendment shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely :—

In rule 14 of the said Rules, after sub-rule (5) the following sub-rule shall be inserted; namely :—

(6) Where any State Government has in exercise of the powers delegated to it, made any rules under clause (i) of sub-section (2) of section 56 of the Act which are inconsistent with this rule, such rules shall prevail over this rule.

[No. 30. (1)/51-Prop.]

C. N. CHANDRA, Secy.

NOTIFICATION.

No. L.D. 1684—Legis. 5-51-79, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S. R. O. 1724, dated the 3rd November 1951 of the Ministry of Information and Broadcasting amending the Cinematograph (Censorship) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 3rd November 1951.

S.R.O. 1724.—In exercise of the powers conferred by sub-sections (1) and (2) of section 9 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby directs that the following further amendments shall be made in the Cinematograph (Censorship) Rules, 1951, namely :—

In the said Rules —

1. In rule 22—

(a) For the proviso to sub-rule (2), the following proviso shall be substituted, namely :—

"Provided that the Chairman may, in the following circumstances, permit an application in respect of any film or class of films to be delivered at a place other than that specified in this sub-rule, namely :—

(i) where a Bombay film is imported from abroad into, or produced in, any State other than the State of Bombay, or

(ii) where the Chairman is satisfied that immediate action for examination of a film is necessary, or

(iii) where examination of a film with the assistance of persons well acquainted with the language of the film is not possible at the place where, but for the provisions of this proviso, it would have been delivered for examination."

(b) To clause (b) of sub-rule (3), the following further proviso shall be added, namely :—

"Provided further that where, in the case of a newsreel, documentary or other short film, the Regional Officer is satisfied that the applicant is not able to furnish the documents referred to in clause (b) along with the application, for reasons beyond the control of the applicant, the Regional Officer may direct that such documents may be furnished within such period after the examination of the film as he may from time to time specify."

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2 For sub-rule (2) of rule 28, the following sub-rule shall be substituted, namely :—

"(2) If the Board considers that the film should be re-examined, the Chairman shall, appoint a Reviewing Committee to re-examine the film consisting of the Chairman and two members of the Board nominated by the Chairman: Provided that where two members of the Board are not readily available to serve on the Committee, the Chairman may, in place of one such member, nominate a member of an Advisory Panel to the Committee."

3. For rule 29, the following rule shall be substituted, namely :—

"29. *Alteration of a film after issue of certificate.*—When a film is altered by excision, addition, colouring or otherwise, after it has been certified under these rules, it shall not be exhibited unless the portion or portions excised, added, coloured or otherwise altered have been re-examined and a fresh certificate obtained in accordance with these rules :

Provided that the Examining Committee may, in its discretion, re-examine the entire film."

4. For rule 30, the following rule shall be substituted, namely :

"30. *Extra copies of films after certification.*—Where, after a film has been certified for public exhibition, any other copy or copies of it is or are imported or printed, whether in the original gauge or in a gauge different from the original, the applicant shall make a report in Form V of the Schedule to the appropriate Regional Officer and, on receipt of such report, the Regional Officer may, in case of a variation in the guage of the film, issue a duplicate certificate with an endorsement indicating the length appropriate to the gauge."

5. To rule 32, the following explanation shall be added, namely :—

"*Explanation.*—When the entire film is re-examined under rule 29, the examination and translation fees chargeable shall be calculated with reference only to the length of the portion or portions excised, added, coloured or otherwise altered."

6. For rule 35, the following rule shall be substituted, namely :—

"35. *Repeal of rules made by State Governments.*—(1) Subject to the provisions of this rule, any rules made under the Act by a State Government shall, so far as they relate to the sanctioning of cinematograph films for exhibition, stand repealed:

Provided that any certificate for the public exhibition of a film granted by any authority under the rules so repealed shall be deemed to have been granted by the Board.

(2) Where under the rules so repealed one authority had issued an "U" certificate and another an "A" certificate or where one authority had issued a certificate marked with a triangle and another a certificate without a triangle, the certificate to be deemed under sub-rule (1) of this rule to have been issued by the Board, shall be the "A" certificate or the certificate marked with a triangle, as the case may be :

Provided that where a film had been declared by a notification issued by any State Government to be an uncertified film in any part or parts of that State, the said notification shall be deemed to continue in force until it is cancelled by the Central Government or a fresh certificate is granted in respect of the film under these rules by the Board with the prior approval of the Central Government.

(3) Any proceeding pending immediately before the commencement of these rules before any authority under the repealed rules shall stand transferred to the Board and shall be disposed of by the Board in accordance with the provisions of these rules."

7. In the declaration in Form V of the Schedule, after the words "is made are" the words "except as respects the gauge" shall be inserted.

[No. (35/23/51-F(C.C.R.A./3).]

C. B. RAO, Dy. Secy.

NOTIFICATION.

No.L. D. 1885—Legis. 5-51-80, dated Bangalore, 3rd December 1951.

Ordered that Notification No. S.R.O. 1725, dated the 6th November 1951 of the Ministry of Communications, amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 6th November 1951.

S.R.O. 1725.—In exercise of the powers conferred by section 10 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that with effect from 1st December, 1951, the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

For rule 6, the following rule shall be substituted, namely :—

"6. The rates of postage and air mail fees specified in Schedules I and II shall be chargeable on postal articles posted at an Indian Post Office for transmission by air, or by air-cum-surface routes, to the countries and places mentioned in those schedules and to which such mode of transmission is available.

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NOTE :—At least 25 per cent, of all air mail fees shall be prepaid. The registration fee in the case of registered articles shall be in addition to the charges mentioned in the Schedule.

Schedules of air mail fees.

SCHEDULE I

Name of country or place	Rates of Air Mail fee per tola or fraction thereof chargeable in addition to ordinary postage		Rate of Air Mail fee inclusive of ordinary postage	
	Letters	Printed papers (including newspapers), Business papers, Sample packets, Mixed packets, and "Blind Literature" packets	Post card	Air letter
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p
Ceylon, Pakistan ...	0 1 6	0 1 6	0 1 6	0 3 0

SCHEDUDE II.

Name of country or place	Rate of Air Mail fee per half ounce or fraction thereof, inclusive of ordinary postage		Rate of Air Mail fee inclusive of ordinary postage	
	Letters	Printed papers (including news papers), Business papers, Sample packets, Mixed packets and "Blind Literature" packets	Post card	Air letter
	Rs. a. p.	Rs. a. p.	Rs. a. p,	Rs. a. p.
Zone 1— Burma ...	0 5 0	0 2 6	0 4 0	0 5 0
Zone II— Other countries and places in Asia.	0 10 0	0 4 0	0 6 0	0 6 0
Zone III— Countries and places in Europe ...	0 12 0	0 4 0	0 6 0	0 6 0
Zone IV— Australia, New Zealand and other countries and places in Oceania and Countries and places in Africa.	0 14 0	0 6 0	0 6 0	0 8 0
Zone V— Countries and places in North America, Central America and South America.	1 8 0	0 8 0	0 10 0	0 10 0

[No. D-84-16/49/Bt.II.]

K. V. VENKATACHALAM,
Dy. Secy.

NOTIFICATION. 215

No. L.D. 1749—Legis. 5-51-89, dated Bangalore, 20th December 1951.

Ordered that Notification No. S.R.O. 1899, dated the 21st November 1951 of the Ministry of Works, Production and Supply, amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 1st December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

Nw Delhi, the 21st November, 1951.

S.R.O. 1899.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board directs that the following amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 122 of the said Regulations, after clause (*k*) the following clause shall be inserted, namely :—

"(i) As an alternative to Adamson flanges, furnaces which are partly fitted with corrugated sections shall be strengthened by means of suitable stiffening rings, adequately welded to the furnaces. In no case shall a flat stiffener be less than $2\frac{1}{2}'' \times \frac{1}{2}''$."

[No. M/BL-304 (50).]

N. P. DUBE, *Secretary.*

NOTIFICATION.

No L. D. 1750—Legis 5-51.90, dated Bangalore, 20th December 1951.

Ordered that Notification No. S.R.O. 1892, dated the 21st November 1951, of the Ministry of Food and Agriculture amending the Cotton Grading and Marking Rules, 1939 published in the *Gazette of India*, Part II, Section 3, dated the 1st December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

AGRICULTURE.

New Delhi, the 21st November 1951.

S. R. O. 1892.—In exercise of the power conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), the Central Government hereby directs that the following further amendments shall be made in the Cotton Grading and Marking Rules, 1939, the same having been previously published as required by the said section, namely :—

1. In Schedule II annexed to the said Rules :—

(*a*) The word 'botanically' shall be omitted.

(*b*) For the words from 'in the Ankaleshwar taluka in the district of Broach and Panch Mahals' 'protected area', the words 'in the Nawapur taluka of West Khandesh district and Government Farm, Surat', shall be substituted.

(*c*) In paragraph (*a*) in column 2 under the heading 'Special characteristics' against the item 'Agmark certified pedigreed 1027 A.L.F.' for the words and brackets 'seed kapas' the words and brackets 'kapas (seed cotton)' and for the words 'and shall have been rogued in the field' the words 'or open fertilised seed produced on Government farm and shall have been inspected' shall be substituted.

(*d*) In paragraph (*a*) in column 2 under the heading 'Special characteristics' against the item 'Agmark certified 1027 A.L.F.':

(i) after the word 'kapas', the words and brackets '(seed cotton)' shall be inserted.

(ii) for the words 'have secured a certificate of adequate field purity from', the words 'duly certified by' shall be substituted, and

(iii) after the words 'the appropriate Government Department' where they occur for the second time, the words 'to be at least 97 per cent. pure', shall be inserted.

(*e*) In paragraph (*b*) in column 2 under the heading 'Special characteristics' against the item 'Agmark certified 1027 A.L.F.', for the word 'checked', the word 'Checking' shall be substituted.

2. For Schedule III, the following schedule shall be substituted :—

SCHEDULE III.

(*See* Rules 2 and 3)

Grade designations and definition of quality of the variety of cotton known as suyog (seg-3-1) belonging to the Surat type of cotton tenderable against the Indian cotton contract of the East ondia Cotton Association and grown, ginned and pressed in Olpad, Mandvi, Chorasi, Bardoli, Bulsar, Gandevi, Navasari, Palsana, Mahuva, Kamrej, Mangrol, Dharampur, Bansda, Vyara, Songadh Talukas and Valod and Chikhali Mahals in the Surat District in Ankleshwar, Rajpipla, Jagadia, Bhalad Talukas and Vilia, Dediapada, Sabgbara and Nansot Mahals of Broach District in the Surat protected areas lying south of river Nerbudda.

Grade Designation	Definition of quality.	
	Special Characteristics	General Characteristics
Agmark Certified Pedigreed Suyog (Seg. 8-11).	(a) Shall be the product derived from the *Kapas* (seed cotton) of Suyog (Seg. 8-1) grown on Government Farm or by a registered seed grower licensed by the appropriate Government Department, which has itself been derived from selfed seed or open fertilised seed produced and shall have been inspected on Government farm and duly certified by the appropriate Government Departments as being at least 98 per cent. pure; and (b) Shall have been ginned and pressed under the direct supervision of the appropriate Government Department.	(a) Shall consist of lint (in half or full pressed bales) obtained by machine-ginning the kapas. (b) shall be dry and free from any trace of added moisture. (c) Shall be clean and reasonably free from leaf, seed, stain or other imperfection.
Agmark Certified Suyog (Seg. 8-1).	(a) Shall be derived from *kapas* (seed cotton) grown from certified Suyog (Seg. 8-1) seed obtained from a Government seed depot or from a seed agency (of which the seed has been certified by the appropriate Government Department as being of the standard of purity of the Government seed Depot) the crop of which shall have been examined in the field and duly certified by the appropriate Government Department to be at least 97 per cent. pure; and (b) Shall have been ginned and pressed respectively in the condition as delivered by the grower (whose crop has been certified) after examination and checking at a ginning and pressing factory under the direct supervision of the appropriate Government Department.	

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3. After Schedule III the following schedule shall be inserted namely:—

SCHEDULE IV.

(*See* Rules 2 and 3)

Grade designations and definition of the variety of cotton known as Vijaya (1-2) belonging to the surat type of cotton tenderable against the Indian Cotton Contract of the East India Cotton Association and grown, ginned and pressed in the Baroda, Padra, Karjan, Savli, Waghodia, Dabhio, Sinor Sankheda, Naswadi, Chota Udepur and Jambugam tahsils of Baroda District; Parts of Broach District lying North of the River Narmadda, *i.e.*, Broach Wagra and Jambusar Talukas and Amod Mahal of Broach District and Kaira District, Sabarkantha District and parts of Ahmedabad District, *i.e.*, Dehagam Taluka and part of Daskrio Taluka lying South of River Sabarmati and Panchamahals District.

Definition of Quality.

Grade designation	Special Characteristics	General Characteristics
Agmark Certified Pedigreed Vijaya (1-2).	(a) Shall be the product derived from the *kapas* (seed cotton) of Vijaya (1-2) grown on a Government Farm or by a registered seed grower licensed by the appropriate Government Department, which has itself been derived from the selfed seed or open fertilised seed produced on Government farm and shall have been inspected and duly certified by the appropriate Government Department as being at least 98 per cent. pure; and (b) Shall have been ginned and pressed under the direct supervision of the appropriate Government Department.	(a) Shall consist of lint (in half or full pressed bales) obtained by machine-ginning the *kapas*). (b) Shall be dry and free from any trace of added moisture. (c) Shall be clean and reasonably free from leaf, seed, stain or other imperfections.
Agmark Certified Vijaya (1-2).	a) Shall be derived from *kapas* (seed cotton) grown from certified Vijaya (1-2) seed obtained from a Government seed depot or from a seed agency (of which the seed has been certified by the appropriate Government Department as being of the standard of purity of the Government seed Depot) the crop of which shall have been examined in the field and duly certified by the field appropriate Government Department to be at least 97 per. cent pure; and (b) Shall have been ginned and pressed respectively in the condition as delivered by the grower (whose crop has been certified) after examination and checking at a ginning and pressing factory under the direct supervision of the appropriate Government Department.	

4. The existing schedule IV shall be re-numbered as schedule V.

[No. F. 4-7/51-Dte. II (M).]

A. G. MENON, *Dy. Secy.*

NOTIFICATION.

3 1 9

No. L.D. 1984—Legis. 5-51-94, dated Bangalore, 24th January 1952.

Ordered that Notification No. S.R.O. 2042, dated the 15th December 1951 of the Ministry of Natural Resources and Scientific Research, amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 22nd December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 15th December 1951.

S.R.O. 2042.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

(1) In sub-rule (1) of rule 40 *for* the words "The period for which a mining lease may be granted shall be 30 years in the case of iron ore and bauxite for manufacture of aluminium", the words "The period for which a mining lease may be granted shall be 30 years in the case of coal, iron ore and bauxite for manufacture of aluminium" shall be substituted.

(2) For clause (i) of rule 47, the following clause shall be substituted, namely :—

"(i) Except leases in respect of coal, iron ore and bauxite for the manufacture of aluminium, for which the period of lease shall be 30 years, all other leases shall be for a period not exceeding 20 years. All leases shall be renewable at the option of the lessee for one term not exceeding the duration of the original lease."

[No. M.II-159(7).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION.

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No. L.D. 1985—Legis. 6-51-51, dated Bangalore, 24th January 1952.

Ordered that Notification No. S.R.O. 2020, dated the 22nd December 1951 of the Ministry of Finance (Department of Economic Affairs) amending the Third Schedule to the Banking Companies Act, 1949 published in the *Gazette of India*, Part II, Section 3, dated the 22nd December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(DEPARTMENT OF ECONOMIC AFFAIRS).

New Delhi, the 22nd December 1951.

S.R.O. 2020.—In exercise of the powers conferred by sub-section (4) of section 29 of the Banking Companies Act, 1949 (X of 1949), the Central Government hereby makes with effect from the 22nd December, 1951, the following amendments to Form A (Form of Balance-sheet including the Notes appended thereto) and Form B (Form of Profit and Loss Account) as set out in the Third Schedule to the said Act, a notification giving not less than three months' notice of the intention of the Central Government to make the said amendments having been already published in the Official Gazette as required by the aforesaid sub-section, namely :—

Amendments.

I Form A—Form of Balance Sheet.

(a) *Capital and Liabilities side—*

(i) For the heading 'RESERVE FUND (b)' the heading 'RESERVE FUND AND OTHER RESERVES' shall be substituted.

(ii) For the item 'Current Accounts and Contingency (unadjusted) accounts' under the heading 'DEPOSITS AND OTHER ACCOUNTS' the item 'Current Accounts, Contingency Accounts, etc.' shall be substituted.

(iii) For the heading 'BORROWINGS FROM OTHER BANKS, AGENTS, ETC.' the heading 'BORROWINGS FROM OTHER BANKING COMPANIES, AGENTS, ETC.' shall be substituted.

(iv) For the heading 'OTHER LIABILITIES (to be specified) (c)' the heading 'OTHER LIABILITIES (c)' shall be substituted.

(v) For the existing heading 'PROFIT AND LOSS: Less appropriation thereof' the following heading shall be substituted :—

'PROFIT AND LOSS

Profit as per last balance sheet—

Less appropriations—

Add profit for the year brought from the Profit and Loss Account—

(b) *Property and Assets side* :—

(i) For the item 'In hand and with Reserve Bank (including foreign currency notes)' occurring under the heading 'CASH' the item 'In hand and with Reserve Bank and Imperial Bank (including foreign currency notes)' shall be substituted.

(ii) The item 'Balances with other Banks (showing whether on deposit or current account)' occurring under the heading 'Cash' shall be shown as separate main item and numbered accordingly.

(iii) The existing item 'BILLS DISCOUNTED AND PURCHASED (e) (Other than Treasury Bills of the Central and State Government) :

(i) payable in India

(ii) payable outside India'

shall be omitted.

(iv) In item (i) under the head 'INVESTMENTS' after the words 'and State Governments and' the word 'other' shall be inserted.

(v) For the existing item 'LOANS, ADVANCES, CASH CREDITS AND OVERDRAFTS (other than bad and doubtful debts for which provision has been made to the satisfaction of the auditors)

(i) in India

(ii) outside India'

the following shall be substituted, namely :—

"ADVANCES—

(other than bad and doubtful debts for which provision has been made to the satisfaction of the auditors)

(I) Loans, Cash Credits, Overdrafts, etc.

(i) in India————

(ii) outside India———— ————

(II) Bills discounted and purchased (excluding Treasury Bills of the Centra and State Governments).

(i) payable in India————

(ii) payable outside India———— ———— ————"

(vi) For the word 'Particulars' after the existing item "LOANS, ADVANCES' CASH CREDITS AND OVERDRAFTS" the following shall be substituted, namely,

"Particulars of ADVANCES",

(vii) In the particulars under the existing heading 'LOANS, ADVANCES, CASH CREDITS AND OVERDRAFTS' wherever the expressions 'bank' or 'banks' occur there shall be substituted therefor the expressions 'banking company' or 'banking companies', as the case may be.

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(viii) In the particulars under the existing heading 'LOANS, ADVANCES, CASH CREDITS AND OVERDRAFTS' after item (iv) two parallel lines shall be drawn in the inner column so that the total of the first four items of the particulars agrees with the amount shown against the main head.

(ix) For item (vii) of the particulars under the existing heading 'LOANS, ADVANCES, CASH CREDITS AND OVERDRAFTS' the following item shall be substituted namely,

"(vii) Maximum total amount of advances including temporary advances made at any time during the year to directors or managers or officers of the banking company or any of them either severally or jointly with any other persons (ff)."

(x) In item (viii) of the particulars under the existing heading 'LOANS, ADVANCES, CASH CREDITS AND OVERDRAFTS'—

(i) for the word 'loans' the word 'advances' shall be substituted.

(ii) after the words 'as members' the brackets and letters '(ff)' shall be added.

(xi) For the heading 'BILLS FOR COLLECTION BEING BILLS RECEIVABLE AS PER CONTRA', the heading 'BILLS RECEIVABLE BEING BILLS FOR COLLECTION AS PER CONTRA' shall be substituted.

(xii) For the heading 'ACCEPTANCES, ENDORSEMENTS AND OTHER OBLIGATIONS per contra' the heading "CONSTITUENTS' LIABILITIES FOR ACCEPTANCES, ENDORSEMENTS AND OTHER OBLIGATIONS per contra" shall be substituted.

II. Form B—Form of Profit and Loss Account—

(a) *Income side—*

(i) For the heading 'Income (Less provision made during the year for bad and doubtful debts)' the heading 'Income* (Less provision made during the year for bad and doubtful debts and other usual or necessary provisions)' shall be substituted.

(ii) The heading 'Transfer from contingencies account' shall be omitted.

(iii) For the heading 'Profit made on sale of investments, gold and silver, land, premises and other assets' the heading 'Net profit on sale of investments, gold and silver, land, premises and other assets (not credited to Reserves or any particular Fund or Account)' shall be substituted.

(iv) For the heading 'Profits made on revaluation of investments, gold and silver, land, premises and other assets' the heading 'Net profit on revaluation of investments, gold and silver, land, premises and other assets (not credited to Reserves or any particular Fund or Account)' shall be substitued.

(b) *Expenditure side.—*

(i) For the heading 'Interest paid on deposits' the following shall be substituted, namely :—

'Interest paid on deposits, borrowings, etc.'

(ii) The headings 'Salaries and Allowances (showing separately salaries and allowances to managing director or manager)' and 'Provident Fund' shall be combined together as under:

"Salaries and Allowances and Provident Fund (showing separately salaries and allowances to managing director, manager or chief executive officer)"

(iii) The headings "Directors' Fees and allowances," and "Local Committee members' fees and allowances" shall be combined together as under:

"Directors' and Local Committee Members' fees and allowances".

(iv) The headings "Depreciation on Bank's Property" and "Repairs to Bank's Property" shall be combined together as under:

"Depreciation on and repairs to the banking company's property".

(c) The following foot-note to the Form shall be added, namely:—

"*Net Loss on sale or revaluation of investments, gold and silver, land, premises and other assets, if any, may be deducted from income."

III. Notes appended to Form A—

(i) Note (b) shall be omitted.

(ii) For the existing note (c) the following shall be substituted, namely:—

"(c) Under this heading may be included such items as the following: pension or insurance funds, unclaimed dividends, advance payments and unexpired discounts, liabilities to subsidiary companies and any other liabilities."

(iii) For the word "bank" occurring in item (ii) of note (d), the words "banking company" shall be substituted.

(iv) Note (e) shall be omitted.

(v) After the existing note (f), the following new note shall be inserted, namely:—

"(ff) maximum total outstanding balance in all such accounts as a unit on any day during the year should be given under this heading."

(vi) For the words "Bank premises wholly or partly occupied" occurring in note (g), the words "Premises wholly or partly occupied by the banking company" shall be substituted.

(vii) For the existing note (i), the following shall be substituted, namely:—

"(i) Value shown shall not exceed the market value and in cases where the market value is not ascertainable, the estimated realisable value."

(viii) The foot note shall be omitted.

IV. All the headings in Form A and in Form B as amended above shall be numbered.

[No. 4(147)-FI/51]

S. K. SEN, *Dy. Secy.*

NOTIFICATION. 324

No. L.D. 1987—Legis. 5-51-95, dated Bangalore, 25th January 1952.

Ordered that Notification No. S.R.O. 15, dated the 26th December 1951 of the Ministry of Food and Agriculture amending the Indian Central Coconut Committee Rules, 1945, published in the *Gazette of India*, Part II, Section 3, dated the 5th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

AGRICULTURE

New Delhi, the 26th December 1951.

S.R.O. 15.—In exercise of the powers conferred by section 18 of the Indian Coconut Committee Act, 1944 (X of 1944), and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture No. F. 2-70/51-Comm. II, dated the 11th October 1951, the Central Government hereby directs that the following amendment shall be made in the Indian Central Coconut Committee, Rules, 1945, namely :—

In the said Rules, Rule 1 shall be renumbered as sub-rule (1) of that Rule and after the sub-rule is so renumbered, the following sub-rule shall be inserted, namely :—

"2. (2) They extend to the whole of India except the State of Jammu and Kashmir."

[No. F. 2-70/51-Comm. II.]
K. R. DAMLE, Joint Secy.

NOTIFICATION. 325

No. L.D. 1988—Legis. 5-51-96, dated Bangalore, 25th January 1952.

Ordered that Notification No. S.R.O. 18, dated the 17th December 1951 of the Ministry of Rehabilitation amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, section 3, dated the 5th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 17th December 1951.

S.R.O. 18.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

For sub-rule (2) of rule 31 of the said Rules, the following sub-rule shall be substituted, namely :—

"(2) Notwithstanding anything contained in sub-rule (1), the following classes of persons entering India from any place in East Pakistan shall be required to be in possession of a permit, that is to say :

(*a*) persons whose domicile of origin is in West Pakistan :

Provided that a Government officer having his domicile of origin in West Pakistan while posted to East Pakistan, and coming to India from East Pakistan, shall not require a permit if he holds a valid certificate of identity issued by the Head of Department or office in which he is serving.

Provided further that the following categories of persons also shall not require a permit if they hold an identity card issued by the Head of a Government Department or Government office in East Pakistan in which an officer referred to below is serving :—

(i) Personal staff of an officer having his domicile of origin in West Pakistan while posted in East Pakistan, when such officer is travelling on official duty only ;

(ii) Family members accompanying such officer irrespective of whether such officer is travelling on official duty or not ;

(iii) Family members of such officer even when travelling alone.

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(b) Persons whose domicile of origin is in East Pakistan but who are residing in West Pakistan by reason of any employment or in the exercise of any trade, profession or calling ;

(c) persons whose domicile of origin was in India but who have acquired a new domicile in West Pakistan ;

(d) persons domiciled in India who after a temporary visit to, or stay in, West Pakistan, return to India through East Pakistan."

[No. III/PMT/X-1/51 (15).]

D. R. KOHLI, Dy. Secy.

NOTIFICATION.

No. L.D. 1989—Legis. 6-51-52, dated Bangalore, 25th January 1952.

Ordered that Notification No. S.R.O. 21, dated the 31st December 1951 of the Ministry of Labour adding the Employees State Insurance Corporation to the Schedule to the Provident Funds Act, 1925, published in the *Gazette of India*, Part II, section 3, dated the 5th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 31st December 1951.

S.R.O. 21.—In exercise of the powers conferred by the sub-sections (2) and (3) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the "Employees State Insurance Corporation" and directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Employees State Insurance Corporation.

[No. SS. 122 (16).]

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION.

No. L.D. 1990—Legis. 6-51-53, dated Bangalore, 25th January 1952.

Ordered that Notification No. S.R.O. 20, dated the 31st December 1951, of the Ministry of Labour under the Industrial Disputes Act, 1947, published in the *Gazette of India*, Part II, section 3, dated the 5th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 31st December 1951.

S.R.O. 20.—In pursuance of section 39 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that its power under section 3 of the said Act, shall be exercised by the Chief Labour Commissioner (Central) in respect of any industrial establishment in a mine or oilfield situated in any Part B State.

[No. LR1 (134).]

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION.

No. L.S. 4260—L.W. 269-51-4, dated Bangalore, 29th January 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an industrial dispute exists between the Workers and the Management of Messrs. K. H. Shama Rao & Sons, Bangalore, in respect of the matter specified in the schedule below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased of refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated the 15th June 1951.

SCHEDULE.

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(1) Reinstatement of the following discharged employees with suitable compensaion :—

(a) M. S. Seetharam, ... T. No. 201
(b) Nanjundiah, ... T. No. 64
(c) Gurumurthy, ... T. No. 19
(d) Kodandi, ... T. No. 21
(e) Nataraj, ... T. No. 20

(2) Treating the existing wages or salaries of all employees inclusive of the Dearness Allowance as basic wages or salaries and paying in addition Dearnees Allowance at the rate of four annas per month per point of rise in the cost of living index number above 100 to all employees with effect from July 1945.

(3) Treating all the employees who have put in a continuous service of three months as permanent and doing so hereafter.

(4) Payment of bonus equal to three months' wages or salaries to each employee for the year 1948-49.

(5) (a) Grant of sick leave to each employee with pay for fifteen days in a year and a further sick leave for 15 days with half-pay.

(b) Grant of casual leave of 15 days to every employee per year.

(c) Grant of privilege leave of 15 days per year to every employee, after a service of twelve months.

(6) Payment of weekly good Attendance bonus to all women employees as in the case of male employees.

(7) Observing the principle of 'Equal work-equal pay' and making no distinction on the ground of sex.

(8) Medical Facilities.

(a) Making arrangements for free medical treatment for the employees and their families.

(b) Making arrangement for free medical treatment by a Lady Doctor for all female employees and female members of the employees' families.

(c) Providing maternity benefits as provided for by law and in all other industrial concerns.

(9) Cost of needles broken in the course of employment not be charged to Tailors.

(10) Granting seventeen Festival Holidays to the employees on the following festival days each year with full pay.

List of Holidays.

1 New Year's Day (Ugadi)
2 Pongal
3 Maha Sivarathri
4 Sree Rama Navami
5 Pacha Karaga
6 Ramzan
7 Ganesha Chathurthi
8 Vijaya Dasami
9 Deepavali
10 Muharram
11 Christmas
12 Holi Feast
13 Gandhi Jayanthi
14 Independence Day
15 Day of declaration of the Indian Republic.
16 Bakrid
17 Eastern Holidays

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

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No. L.S. 4363—L.W. 276-51-2, dated Bangalore, 4th February 1952.

Ordered that the Notification No. S.R.O. 99, dated 16th January 1952 of the Ministry of Labour, Government of India, published in Part II, Section 3 of the *Gazette of India*, dated 19th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 16th January 1952.

LWI-24 (33).—The following draft of certain proposals relating to minimum rates of wages payable to the contract labour of the Central Public Works Department specified in the Schedule employed in the States of Madhya Bharat and Mysore which it is proposed to fix in pursuance of clause (a) of sub-section (1) of Section 3 read with clause (ii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948 (XI of 1948), are published as required by sub-clause (b) of sub-section (1) of Section 5 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the the 19th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

Schedule	*All inclusive Minimum rates of wages per day.*		
	Rs.	a.	p.
Madhya Bharat (Indore)—			
(1) Mazdoor Man	1	4	0
(2) Woman	1	0	0
(3) Boy above 12 years	0	12	0
Mysore (Bangalore)—			
(1) Mazdoor Man	1	8	0
(2) Woman	1	0	0
(3) Boy above 12 years	1	0	0

P. N. SHARMA, Under Secy.

NOTIFICATION.

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No. C. 1516, dated Bangalore, 30th January 1952.

Ordered that the accompanying Notification No. 3 (7) PC. 51, dated the 18th January 1952 of the Government of India, Ministry of Commerce and Industry issued under the Supply and Prices of Goods Act, 1950, be re-published in the *Mysore Gazette*, for the information of general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 18th January 1952.

No. 3 (7)-PC.—51.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 499, dated the 2nd September 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely:—

For the Schedule annexed to the said Notification, the following Scheduld shall be substituted —

SCHEDULE.

Goods		Maximum retail price
1		2
BICYCLES		
Hind Bicycle—		
(*a*) Gents'— 22″ or 24″—single bar	...	Rs. 143–8–0 per bicycle
(*b*) Gents'— 22″ or 24″—double bar	...	Rs. 148–8–0 per bicycle
(*c*) Ladies'—curved bar	...	Rs. 143–8–0 per bicycle
(*d*) Juvenile—20″	...	Rs. 153–8–0 per bicycle
Hercules India Bicycle	...	Rs. 205–0–0 per bicycle
Bicycle of any other make	...	The price prevailing on the 15th of June 1950 in the locality where the dealer or producer is carrying on business.

Provided that

(*a*) in the case of a Hind Bicycle— 331

(1) the maximum price is exclusive of the cost of saddle and accessories such as stand, carrier, tool box and light;

(2) the maximum price at any place other than Bombay may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Bombay to the place of sale,

(3) the maximum price specified in column 2 is exclusive of any sales-tax, octroi, and any other local tax, impost of cess which may be charged extra.

(*b*) in the case of a Hercu'es India bicycle—

(1) the maximum price is inclusive of the cost of saddle but exclusive of this cost of accessories such as stand, carrier, tool box and light;

(2) the maximum price at any place other than Madras may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Madras to the place of sale;

(3) the maximum price specified in column 2 is exclusive of any sales-tax, octroi and any other local tax, impost of cess which may be charged extra.

C. R. NATESAN, Dy. Secy.

NOTIFICATION. 332

No. L.S. 4450—L.W. 212-50-6, dated Bangalore, 9th February 1952.

WHEREAS by State Government Notification No. L.S. 3147—L.W. 212-50-4, dated 24th November 1950, the industrial dispute between the Kolar Brickmaking Company, Limited, Kolar Gold Fields and their workmen (represented by the Labour Association) was referred to the Industrial Tribunal constituted in Notification No. L.S. 3147—L.W. 212-50-4, dated 24th November 1950.

And whereas the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute;

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to direct the publication of the said award, annexed hereto, in the *Mysore Gazette*.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Monday the 31st day of December 1951.

I. C. No. 4 of 1950-51.

PRESENT.

Rajadharmaprasakta
Mr. A. R. Nagesvara Iyer, B.A., B.L. .... *Chairman.*

Rajadharmaprasakta
Mr. T. Singaravelu Mudaliar, B.A., B.L. .... *Member.*

Between

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Kolar Brickmaking Company, Limited, K. G. F.,

and

Their Workers

(Represented by the Labour Association)

AWARD.

This is an industrial dispute between the Kolar Brickmaking Company, Limited and its workers, who are represented by the Labour Association of the Company, and was referred by the Government of Mysore by Notification No. L.S. 3147—L.W. 212-50-4, dated 24th November 1950, to this Tribunal for disposal. The demand of the workers referred for decision are as follows:—

1. Grant of six months' earnings as profit bonus to the workers during 1948.
2. Reinstatement of Sri Burland, an employee.
3. Play-off of workers.
4. Grant of increased Dearness Allowance.
5. The claims for half wages and D.A. to the employees played-off.
6. Grant of full Dearness Allowance under Standing Order 14 or half wages and half Dearness Allowance to the employees played-off and grant of bonus for 1949.

The demands made on behalf of the workers were resisted by the Management *in toto*. In view, however, of the fact that at a late stage of the case the parties reached a settlement on some of the major demands and that an *interim* award has already been made in respect of those matters to which reference will be made later on, it is unnecessary to state the case of the contesting parties in any detail at this stage. The workers were represented in the earlier stages by Mr. K. B. Thimmiah, a legal practitioner in Kolar Gold Fields who was also the Secretary of the Labour Association. For reasons which require no mention here, he was unable to represent the workers after some time and the Vice-President of the Association Mr. Burland represented the workers and conducted the

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case. Later on, however the members of the Executive Committee led by the Assistant Secretary of the Labour Association represented the workers. The Management was represented by an officer of the Company Mr. G. K. Dutt. The following issues were framed in the case :—

1. Is the reference made by the Government to the Industrial Tribunal invalid as alleged in para 3 of the written statement of the Respondent ?

2. Are the workmen entitled to six months' earnings as profit bonus for the year 1948 ?

3. Are the workmen entitled to three months' earnings as bonus for the year 1949 ?

4. Is the financial condition of the Company such as not to admit of the payment of any bonus for the years 1948 and 1949 except the payment of 13 days' wages offered as bonus for the year 1948 ?

5. Are the workmen entitled to the Dearness Allowance to be linked to the cost of living index and the workmen paid at Re. 0-3-0 per point over the normal index, and if not at what rate ?

6. Was the dismissal of Mr. Burland justified and if not is he to be reinstated ?

7. Are the employees played-off entitled to be paid full Dearness Allowance or half pay and half Dearness Allowance during the period played-off, as claimed by them ?

8. Are the workmen entitled to have Standing Order No 14 altered as demanded in the notice of change ?

9. What reliefs are the parties entitled to ?

On 6th October 1951 the parties filed a compromise petition in regard to the following four demands raised in the case *viz.*, (1) Bonus for the year 1948, (2) Bonus for the year 1949, (3) Dearness Allowance and (4) Attendance Bonus and they prayed that an interim award may be made and an interim award was accordingly made in pursuance of the compromise petition on the 6th of October last. Issues 2, 3, 4 and 5 are covered by the interim award and they need no consideration now.

The first issue is as follows :—

"Is the reference made by the Government to the Industrial Tribunal invalid, as alleged in para 3 of the written statement of the respondent ?"

This issue was framed on the objection raised by the Management in their written statement. That contention was later on given up and our finding on this issue is that the reference is not invalid.

The only matters that remain to be now considered are the demands covered by issues 6, 7 and 8.

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Certain facts may here be stated. It appears in connection with the celebration of the May Day on the 1st of May 1950, the workers wanted that day, which happened to be a Monday, might be declared a holiday for the celebration of the May Day and that the previous Sunday *i.e.*, the 30th of April 1950 might be considered to be a working day, and that Mr. Burland, the Vice-President of the Association, who approached the authorities on Saturday the 29th, to make this representation reported to the members of the Executive Committee that afternoon *i.e.*, between 1 P.M. and 1-45 P.M. that the request made on behalf of the workers was not accepted in full by the Management, but that the 1st of May would be declared a holiday provided the workers attended the factory on that Sunday as usual without claiming double wages for working on a Sunday. The case for the Company is that Mr. Burland held a meeting of the workers on the Brick kiln *i.e.*, within the factory premises during working hours on the 29th and told them that, as the Management was not agreeable to their suggestions, they might observe a 'hartal' on Monday, hoist the flag in the morning and have the celebrations of the May Day in the evening, that accordingly the workmen struck work on Monday the 1st of May and that Burland was thus guilty of misconduct under clause 18(c) of the Standing Orders of the Company for which he was liable to be dismissed. A charge-sheet was served on Burland on the 11th and an enquiry was held by the Manager on the 12th; but, as one of the officers of the Company was not able to be present at the enquiry, it was adjourned to the 18th and Burland, who was present then, was intimated of the adjourned date of hearing and on the 18th at the enquiry, Burland filed a statement denying the charges against him. Several witnesses were then examined, and Burland when asked to cross-examine the witnesses, refused to do so and said in explanation that he had nothing more to say than what he had stated in the written statement. The Manager, on the materials before him, held that Burland was guilty of misconduct under Clause 18(c) of the Standing Orders and recommended his dismissal from service which was approved of by the Superintendent of the Company. He was consequently dismissed from service on 20th May 1950. Exhibit E is the order of dismissal.

The Labour Association took up this matter and issued a notice of change to the Management one month

later, *i.e.*, on the 20th of June 1950, and Exhibit 8 is the notice of change. Though by virtue of his dismissal he was not entitled to gratuity, etc., the Management in view of his long service offered to pay him the gratuity and provident fund as a concession and on the 15th of July, *i.e.*, about 25 days after the notice of change, he received from the the Company Rs. 111 and Rs. 66 and odd as gratuity and provident fund, respectively and executed receipts Exhibits 32 and 33 which are admitted by him. It appears, meanwhile, on the ground that there was shortage of orders and accumulation of stock, the Company could not carry on the work of the Company at full strength and played-off about 240 workers in two batches between July and September 1950. This question was also taken up by the Labour Association and a second notice of change was issued on 12th October 1950, in which some other demands were also included. That is Exhibit IV in the case. The demands covered by these two notices of change were referred to the Tribunal and they were all resisted on behalf of the Company.

The list of witnesses examined and of documents filed are appended to this award.

In their statement, the workers, regarding the dismissal of Burland, allege that the charges were false, frivolous and vexatious, that the enquiry of Burland conducted under the relevant standing order was illegal, that there was illwill between the Manager and the Vice-President Burland and the Company was only waiting for a chance to dismiss Burland, and that "it was a clear case of victimization under Section 24 of the Labour Act of an office-bearer of the Association for trade-union activities". It was also alleged that there was no necessity to incite the employees on May 1st 1949, and that he did not actually do so, but that the employees stopped work spontaneously to observe the May Day.

On behalf of the Management it was contended that it was not competent for the workers to challenge the decision reached by the Manager after a formal enquiry and that, as after the first notice of change he received from the Company the service gratuity and the provident fund offered to him as a concession, he is estopped from questioning the legality or the correctness of the order of dismissal and that he is consequently not entitled to any relief.

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The evidence at the enquiry was practically one-sided. Four witnesses were examined and they were all employees in the Factory. They all stated at the enquiry that, on the 29th April in his capacity as Vice-President, Mr. Burland went to the authorities for grant of the demands made in regard to the celebration of the May Day and on the kiln during office hours, he reported the details of his talk with the authorities and suggested that a hartal might be held on the May Day which was accepted by the Executive Committee and that, accordingly, the workers stayed away from work, took part in the hoisting of the flag in the morning and held a meeting in celebration of the May Day in the evening in the premises of the Association. As we have mentioned already, Burland refused to cross-examine any of the witnesses. In his statement Exhibit 15 he offered no explanation besides saying that he did not cause or incite or help anyone to strike work, and examined no witnesses on his behalf. It was argued for the Company that the decision reached after a formal enquiry by a domestic forum could not be impeached by the workers at this stage before the Tribunal. The evidence which the Manager had at the enquiry, in our opinion, justifies the conclusion he has reached. Moreover, the witnesses who gave evidence at that enquiry were not even cross-examined by Burland, who himself adduced no rebutting evidence. A recent decision of the Labour Appellate Tribunal of India in the case between Buckingham and Carnatic Mills Co., Ltd., and their workers reported in Labour Law Journal, 1951, Vol. II, page 314, cited for the Company, supports the contention for the Company.

Their Lordships observe at page 318 as follows:—

"It would thus be open to the Tribunal to examine the findings of the management on the charge of misconduct to assure itself that there is evidence to support the finding and that the decision of the management is a possible view on the evidence before it. In such a case the Tribunal should refrain from substituting its own judgment for the judgment of the management, as in such matters the tribunal does not act like a court of appeal but rather as a supervisory body exercising what would ordinarily be regarded as powers of revision for correction of basic errors, which go to the root of the matter and of perverse findings. Consequently, any vindictive or capricious action on the part of the management or the fact that the trouble had been provoked by the action of the management, may be relevant factors for consideration in determining whether interference with the decision of the management is called for. The result, therefore, is that the

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decision of the management in relation to the charges against the employee will not prevail if—

(a) There is want of *bonafides*, or
(b) It is a case of victimisation or unfair labour practice or violation of the principles of natural justice or
(c) There is a basic error on facts, or
(d) There has been a perverse finding on the materials.

If after scrutiny on the aforesaid lines, it is found by the tribunal that it ought not to interfere with the findings of the management, that the charge has been proved, the tribunal must next consider whether it should interfere with the punishment."

Applying the test laid down in the decision abovementioned, we are of opinion that there are no circumstances warranting interference with the decision reached by the Manager. As observed in Bombay Industrial Appeal Case No. 63 of 1949 (Bombay Labour Gazette, 1950, at page 1005) "A Labour Court or the Industrial Court will not scrutinise the evidence before a domestic tribunal, *i.e.*, the employer or the Manager, as if it were a Court of Appeal on facts from the decision of the Tribunal. If the necessary formalities were observed and if nothing appears to have been done malafide, the Labour Court's or Industrial Court's enquiry will ordinarily be confined to seeing whether the evidence or material was adequate to sustain it so that there could remain no ground for supposing that the tribunal has given a manifestly unjust or unfair decision It does not matter that the Court would come to a different conclusion upon the evidence or material upon which the domestic tribunal has acted". It will also be seen that the strike resorted to by the workers on the May Day was declared to be illegal by the Registrar of Associations, as is evidenced by Exhibit VII, and that finding was not challenged at any stage on behalf of the workers. That Burland stayed away from work on the May Day has been admitted by him in the course of his evidence. But his plea is that as others stayed away from work and as no work was going on in the Factory, he was obliged to stay away too. That he has failed to establish. That he took a leading part in the negotiations with the Management for having the May Day declared a holiday and that he addressed the workers on his return from the authorities without gaining his point is also clear from the evidence.

Of the witnesses examined before us for the workmen, strong reliance was placed by Burland in this connection on the evidence of Chinnakannu, who has stated

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that Burland did not incite people to strike work on the 1st of May 1950. He seems to be an unreliable witness. At the enquiry held by Mr. Eames, the Manager of the Company, he gave an altogether different version, and stated in effect that Burland incited the workmen to strike and was virtually responsible for the hartal which took place on the May Day in 1950. But now he gives a contrary version altogether. It is sought to be made out that he was influenced by Mr. Eames to give evidence at the equiry implicating Burland. The evidence does not establish that Mr. Eames tried to influence him in any way, as suggested by Burland. This was not suggested to Mr. Eames when he was in the box and the last witness examined for the Company, *viz.*, Mr. V. Tiruvengadam, who was present when Chinnakannu met Mr. Eames has denied that any influence was brought to bear on Chinnakannu. Moreover, when Chinnakannu made his statement at the enquiry, Burland was present and it was not then suggested that Chinnakannu was so influenced. Indeed, there was no cross-examination of any witness by Burland. That Chinnakannu was influenced to give evidence against him seems to be an after-thought. Another witness examined for him before us is Daniel and his evidence, no doubt, supports Burland. Several witnesses for the Company however have said that he was not present at the gathering and, uncorroborated as it is, it would be unsafe to act on his evidence. Further his evidence was not tendered at the enquiry by Burland. Mr. Thimmiah, Secretary of the Labour Association, who has given evidence for the workmen had no personal knowledge of the incidents that took place on the 29th and Burland's evidence to some extent supports the case for the Company that he took a leading part in approaching the authorities for securing a holiday on the 1st in order to celebrate the May Day. He admits that he reported to the workmen, who gathered round him on his return from the authorities; what their attitude was and it is unlikely he did nothing more. He says, that as Vice-President, he was strict in the discharge of his duties and was speaking with out-spokenness to the Manager, who, because of this attitude on his part, wanted to punish him. He says he was responsible for presenting some petitions to the Labour Minister and a few other authorities complaining against the Campany and its Superintendent. After that, it is admitted by him, he was promoted to a

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Maistry's post and that weakens this part of his case to some extent. There is overwhelming evidence that he took a leading part at the meeting of the workers on the 29th and incited the workmen to strike on the May Day.

The relevent portion of Clause 18 of Standing Orders of the Company reads :—

"Any employee, who is adjudged by the Works Manager or the contractor as the case may be, on examination of the man, if present, and of the facts to be guilty of misconduct is liable to be dismissed without notice or alternatively to be suspended for a period not exceeding four days" and according to sub-clause (*c*) "Inciting any employee to strike work without giving 14 days' previous notice or inciting other employees to strike work 'in contravention of the Act" would be an act of misconduct.

There are therefore no reasons to disturb the conclusion reached by the Manager that Burland incited the workmen to strike work on the May Day. Such conduct would amount to misconduct under Clause 18 (*c*) of the Standing Orders referred to above, for which a worker is liable to be dismissed. In our opinion, there are no grounds to disturb the order made by the Management for the dismissal of Burland and his reinstatement cannot therefore be ordered.

Further in the order of dismissal, Exhibit E, the Company offered to make to Mr. Burland "an *ex-gratia* payment equal to the amount to which he would have been entitled if he had been qualified for service gratuity, in view of the length of his service with the Company" and the offer was accepted by him and, as Exhibits 32 and 33 show, on the 15th of July 1950, *i.e.*, nearly 25 days after the first notice of change issued by the Labour Association claiming reinstatement of Burland, he accepted not only the service gratuity but also the provident fund including the contribution from the Company. It was argued on behalf of the Management that Burland was, therefore, stopped from challenging the correctness of his dismissal by the Management for misconduct. The payment was not also accepted under any protest.

The decision in Labour Law Journal 1951—Vol. I page 199 was cited in this connection where it was held that an employee, who accepts pay in lieu of notice, cannot claim reinstatement. In the dispute between the Commonwealth Trust Limited, Mangalore and their workers reported in Vol. II—Labour Law Journal, page 50 —a similar view has been taken. The Learned Judge

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there says at page 51 "A workman who accepts wages which is not due to him for work done but which is offered as compensation for the termination of his service, accepts the condition on which it is offered. By his own act he puts an end to the relationship of employer and employee". This decision also supports the contention for the Management. This is an additional reason why the demand for reinstatement of Burland cannot be granted. This finding disposes of Issue No. 6.

Issues 7 and 8 may be considered together. Due to shortage of orders and also the difficulty in getting some raw materials, 143 workmen in the red brick section were played off on 7th July 1950 and some workers in the fire brick section were played off on the 12th of September 1950. In all 240 workers were thus played-off. One hundred and fifty-five workers were taken back to service by the end of 1950 and the rest were absorbed by August 1951. One of the demands made in this connection is that during this period of play-off the workers should be paid full dearness allowance or half pay and half dearness allowance. For the Management, this demad is resisted on the ground that the Standing Orders do not make any provision for payment either of wages or dearness allowance during the period of play-off and that, as such, the demand is untenable. It may here be mentioned that another demand made on behalf of the workers is that the Standing Orders on the point should also be altered, so as to provide for such payment when workers are played-off.

It appears, according to the Standing Orders in the Mining Companies in the same area, payment of half wages and half dearness allowance during the period of play-off is provided for, and on that basis, it is claimed that it is but just and equitable that workers of the Company situated in the same area should have similar relief. Clause 14 of the Standing Orders (Exhibit 10 A) of the Company is as follows:—

"The Company, may, at any time or times, in the event of a fire, catastrophe, breakdown of machinery or stoppage o the power supply, epidemic, civil commotion or other causes whether of a like nature or not, beyond the control of the Company stop any machine or machines or department or departments wholly or partially for any period or periods, without notice and without compensation in lieu of notice.

The Company may, at any time or times, in the event of shortage of orders or material or of unfavourable weather conditions

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stop any machine or machines or department or departments, wholly or partially until such time as the machinery is set right or weather conditions improve. If a permanent employee is played-off under this rule for a period of twelve days in the aggregate in one calendar month, he may leave the Company's service on intimation of his intention to do so without further notice.

Any permenent employee played-off under para 1 or 2 of this Order will not be considered as dismissed from service but as temporarily unemployed and will not be entitled to wages during such unemployment. All permanent employees played-off will be given prior rights to reinstatement on the resumption of normal work, provided they present themselves for work when normal working is resumed."

Under the Standing Orders, therefore, the workmen are not entitled to wages during such periods of un-employment. But that clause does not make any mention of dearness allowance. As was rightly pointed out on behalf of the Management, dearness allowance was no doubt not in contemplation of the parties when the Standing Orders were settled. When, however, the payment of dearness allowance was introduced the Management ought to have taken steps to see that the Standing Order was amended to cover the dearness allowance also, if that was the Company's intention, but no such steps were taken. The workers also slept over the matter and did not get the Standing Order altered for their benefit. The question is whether in the circumstances, the workers might reasonably claim some benefit during the period of play-off. Sub-clause 2 of Clause 14 of the Standing Orders says "If a permanent employee is played-off under the rule for a period of 12 days in one calendar month, he may leave the company's service on intimation of his intention to do so without further notice". We may take it that no such intimation was given by any worker, nor were the workers intimated of the period of play-off. Exhibit J only mentioned it would be for an indefinate period. It appears on representations made on behalf of the workers the Management agreed to advance to the workers at the rate of Rs. 5 every fortnight and that was so paid until the end of the first half of February 1951. It is alleged on behalf of the workers that the amount so advanced is being deducted from out of the wages due to the workers after they were re-employed, and that that should not be permitted to be done, but they should be paid the sums as demanded in their notice of change during the period of play-off. It will be noticed that the Standing Order says

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that any permanent employee played-off under Clause 14 will not be considered as dismissed from service, but as temporarily unemployed. The object is clear that the Management was desirous that the trained workmen should be available for service when work was resumed. Indeed the payment of what was called 'advance' of Rs. 10 a month for some time is an indication that the Management was keen on having their services when the factory work was in full swing, and that the relation of employer and employee continued. If, with the hope of being taken back to service—and it will be seen more than 50 per cent were taken back before the end of November 1950—the workmen did not go out of the place and seek employment elsewhere, it seems to be fair that they should have some benefit during the period of play-off, though under the Standing Orders, they are not entitled to their normal wages. As we have remarked, not a word is said in the Standing Orders about the dearness allowance. The dearness allowance paid to the workers at the time varied from Rs. 18-8-0 to Rs. 19-8-0. Now 143 workmen employed in the Red Brick Section were played-off on 7th July 1950 and the reminder 97 belonging to the fire clay section were played-off on the 12th of September. In all the number of workmen played-off was 240. The second notice of change which demanded payment for the period of play-off was issued as late as the 12th of October 1950. It will be noticed from a statement dated 26th of October 1951, filed on behalf of the Company, that by the end of October 1950, out of 240 persons played-off, 113, had been taken back to service, 40 were so absorbed in November and 2 in December 1950, 4 in January 1951, 17 in February, 1 in March, 11 in May 18, in June, 7 in July and 27 in August. So that by the end of August this year all the employees, who had been played-off, were taken back to service. Thus by the end of 1950, *i.e.*, in about 2½ months of the issue of this notice of change about 153 people had been re-employed leaving only 87 without employment. They were gradually absorbed from month to month so that by the end of August this year all the workmen that had been played-off were in the employment of the Company. As we have stated above, until the middle of February these workers who had been played-off were being paid during the period of play-off an advance of Rs. 10 a month. The demand for payment of allowance during the period of

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play-off was sent only as late as 12th of October. It is difficult in the circumstances to order payment of an allowance prior to that period. Payment, if any, could be ordered only from after the date of notice of change and it would be fair if some suitable allowance is made payable from the middle of that month, that is to say from the latter half of October 1950. As, however, by the end of that month nearly one half of the workers had been absorbed in service, the burden on the Company may not be considered to be very heavy, if allowance is ordered to be paid to the workers on that basis during the period of play-off and particularly, as in the month of November as many as 40 persons were re-employed and as the number of un-employed were being reduced from month to month as pointed out already. The evidence in the case is that the small sum of Rs. 10 that was being advanced monthly to the workers during the period of play-off, was stopped from the first half of February 1951 and that the amount so paid is being deducted in instalments from out of the wages of the workers after their re-employment. That, in our opinion, would work very great hardship on the workers particularly to pay this out of their wages after having been without employment for long. Some relief in this matter seems just and equitable. The principle adopted by the Government of Mysore in connection with the order of the Appellate Industrial Tribunal of India in Appeal (Bombay) No. 124 of 51 on an appeal from the decision of the Industrial Tribunal in Mysore, in the dispute between the Mysore Vegetable Oil Products Company Limited, Bangalore and its workmen, may, in our opinion, be adopted here. In modification of the order of the Appellate Tribunal the Government observe as follows :—

"Enforcement of the Award of the Appellate Tribunal with effect from the 1st of February 1950 involves therefore recovery back from the workers of the excess of dearness allowance drawn by them for many months over and above the rates now ordered by the Appellate Tribunal and this will have to be done by deduction from the monthly wages of the emoluments to be received by the workers hereafter. This is a hardship on the workers which is likely to give room for discontentment on the part of the workers resulting in bitterness of feelings between the workers and the Management, which is not desirable in public interest."

and in the result the order of the Appellate Tribunal was modified so as to avoid the repayment of the amount that had already been paid to the workers.

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It will further be noticed that even according to the settlement reached by the parties provision was made for enhancement of dearness allowance only from the 1st of July this year, although the notice of change was as early as the 12th of October 1950. Another fact which would be relevant in this connection is that the workmen even during the period of play-off were allowed by the Management to have their rations drawn from their depots at subsidised rates and that benefit the workers had all along, and having regard to this matter we think it will meet the ends of justice if Rs. 5 per month are allowed to the workers from the second half of October 1950, during the period of their unemployment.

Although we should have had no hesitation in directing the standing orders to be amended so as to enable the workers to get some benefit during the period of play-off somewhat on the lines of the standing orders of the mining companies, we do not think we need decide this point in view of the fact that the Industrial Employment (Standing Orders) Act of the Central Government has been introduced into this State from the 1st of April this year. According to the provisions of that Act, standing orders have got to be framed by the Industrial Concerns and model standing orders have already been published in the *Mysore Gazette.* Both parties, in these circumstances, very reasonably stated before us that we need not give any definite finding on the point, pending the adoption by the Company of fresh standing orders under the new Act. We are therefore of opinion that an amendment of the standing orders on the point is not called for at this stage.

We make an award accordingly and this will be submitted to Government under the provisions of Section 15 of the Industrial Disputes Act. There will be no order with regard to costs.

A. R. NAGESVARA IYER,
Chairman,

T. SINGARAVELU MUDALIAR,
Member.

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3	II-a	Portion marked in Exhibit II	,,
4	III	Comparative statement prepared by the Superintendent of the Kolar Brickmaking Company, *re*: Labour strength, products, basic minimum wage, etc., of 13 concerns.	
5	IV	Notice of change dated 12th October 1950, issued by the Labour Association to the Superintendent of the Kolar Brickmaking Company.	
6	V	Report and accounts for the year ended 31st December 1949 of the Kolar Brickmaking Company.	
7	VI	Comparative statement showing firebricks supplied to M. & S. M. Railway for the years 1940-50.	
8	VII	Declaration of the Registrar of Associations dated 3rd May 1950, declaring the strike of 1st May as illegal.	
9	VIII	Notice of change dated 20th June 1950 of the Labour Association to the Superintendent of the Kolar Brickmaking Company.	
10	IX	Copy of Government Notification No. L.S. 265/L.W. 11-50-3, dated 24th April 1950, declaring the 1st of May 1950 as paid holiday, etc.	
11	X	Standing Orders of the Kolar Brickmaking Company.	
12	X-a	Portion marked in Exhibit X (Standing Order No. 14).	
13	XI	Statement showing advances to played-off workers from second half of July 1950 to first half of February 1951.	
14	XII	Statement showing price of raw materials from 1946 to 1950.	,,
15	XIII	Notice of change dated 23rd August 1949, of the Labour Association to the Superintendent of the Kolar Brickmaking Company.	4-4-1951
16	XIV	Copy of enquiry dated 11th May 1950, conducted by the Factory Manager with regard to Burland.	,,

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18	XVI	Report of the enquiry on 18th May 1950, with regard to Burland.	,,
19	XVII	Dismissal order dated 29th May 1950, of the Factory Manager with regard to Burland.	,,
20	XVIII	Letter dated 6th December 1950, to the Superintendent by Burland re: advance to played-off workers.	8-6-1951
21	XIX	Copy of warning dated 24th September 1949, to Burland.	,,
22	XX	Charge-sheet dated May 1950, with regard to Burland.	,,
23	XXI	Letter dated 19th April 1950, from Burland to the Superintendent of the Company *Re*: May day.	,,
24	XXII	Certified copy of the complaint of Burland before Special 1st Class Magistrate, Kolar Gold Fields.	,,
25	XXIII	Service card of Burland ...	,,
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28	XXVI	Letter dated 12th March 1951, from the Superintendent of the Company to the Secretary of the Labour Association *re*: advance to played-off workers.	28-6-1951
29	XXVII	Letter dated 24th June 1950, from the Secretary of the Labour Association to the Superintendent of the Company *re* suspension of S. Kannamal, T. No. 24.	,,
30	XXVIII	Notice dated 7th September 1950, *re*: play-off of workers.	,,
31	XXIX	Declaration of the Registrar of Associations dated 26th July 1950, declaring the play-off workers by the Management on 7th September 1950 as not amounting to illegal lock-out.	,,
32	XXX	Letter dated 29th April 1950, from the acting manager Mr. Suri Sobhanadri to the Superintendent of the Company *re*: Burland.	29-6-1951

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36	XXXI-b	Portion marked in Exhibit XXXI ...	,,
37	XXXI-c	Do do ...	,,
38	XXXI-d	Do do ...	,,
39	XXXII	Receipt dated 15th July 1950, of Provident Fund by Burland.	23-11-1951
40	XXXIII	Receipt dated 15th July 1950, of Service Gratuity by Burland.	,,

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2	B	Notice dated 4th October 1950, of the Factory Manager in cancellation of the notice posted at the main gate.	5-4-1951
3	C	Copy of letter of Burland to the Superintendent of the Company *re*: Manager's assault, etc., (Dated nil).	7-6-1951
4	C—1	Acknowledgment from the Chief Minister's Office to Burland dated 22nd April 1950.	,,
5	C—2	Original of Exhibit C ...	8-6-1951
6	D	Management's letter dated 27th April 1950 *re*: May Day, to the Vice-President of the Association.	,,
7	D—1	Vice-President's reply dated 27th April 1950 to Exhibit D.	,,
8	E	Dismissal Order, dated 20th May 1950 *re*: Burland.	,,
9	F	President's letter to the Superintendent *re*: Burland, dated 7th June 1950.	,,
10	G	Superintendent's reply dated 9th June 1950, to Exhibit F.	,,
11	H	Assistant Labour Commissioner's letter dated 28th June 1950, to the Secretary of the Labour Association *re*: Burland.	,,

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12	J	Notice dated 7th July 1950 of the Factory Manager *re*: play-off.	27-6-1951
13	K	Letter dated 7th July 1950, from the Labour Officer to the Secretary of the Labour Association *re*: play-off.	"
14	L	Letter dated 30th August 1950, from the Superintendent of the Company to the Secretary of the Labour Association *re*: advance to played-off workers.	"

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LIST OF WITNESSES.

WITNESSES EXAMINED FOR THE MANAGEMENT.

1 Mr. James Douglas Dixon.
2 Mr. Francis William Eames.
3 Mr. Suri Sobhanadri.
4 Mr. F M Somanna.
5 Sri Ganesan.
6 Sri Oothandi.
7 Sri Rajarathnam.
8 Sri Velayudham.
9 Sri Arumugam.
10 Sri V Tiruvengadam.

WITNESSES EXAMINED FOR THE WORKMEN.

1 Sri Burland.
2 Sri Chinnakannu.
3 Mr. Daniel.
4 Sri Ponnurangam.
5 Sri K B Thimmiah.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 4464—L. W. 168-51-9, dated Bangalore, 11th February 1952.

Whereas by Order No. L.S. 2727—L.W. 168-51-5, dated 11th October 1951, made by the State Government an industrial dispute between the Management of the Mysore Spinning and Manufacturing Company Ltd., Bangalore, and the workmen employed in the said concern, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951;

And whereas His Highness the Maharaja of Mysore is of opinion that a further matter connected with and relevant to the said industrial dispute should also be referred to the Tribunal for adjudication;

Now therefore in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby refers the said further matter for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-3, dated the 15th June 1951, *viz.*—

"If the dismissal of Sri K. Sriramulu, Register 258, employee of the Mills amounts to victimisation, whether the said Sri Sriramulu is entitled to reinstatement or any other relief, and if so, to what relief is he entitled;

"In the event of any order for reinstatement, the payment of wages and allowances, etc., from the date of dismissal to the date of reinstatement"

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-B.

3 J 1

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 2061—Legis. 71-51-1, Bangalore, dated 12th February 1952.

Ordered that the accompanying Mysore Forest (Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 5th day of February 1952, be published as Mysore Act No. VI of 1952, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. VI OF 1952.

THE MYSORE FOREST (AMENDMENT) ACT, 1952.

Received the assent of His Highness the Maharaja on the Fifth day of February 1952.

An Act further to amend the Mysore Forest Act, 1900.

WHEREAS it is expedient further to amend the Mysore Forest Act, 1900 (Mysore Act XI of 1900), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Forest (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In clause (4) of Section 2 of the Mysore Forest Act, 1900 (hereinafter referred to as the said Act), after the words "cut up" the words "or sawn", shall be inserted. Amendment of Section 2 of Mysore Act XI of 1900.

3. In clause (*l*) of sub-section (2) of Section 37 of the said Act, after the words "establishment of saw pits", the words "or saw mills or any other sawing contrivance", shall be inserted. Amendment of Section 37 of Mysore Act XI of 1900.

Amendment of Section 59 of Mysore Act XI of 1900.

4. In sub-section (3) of Section 59 of the said Act, for the words "one hundred rupees" the words "five hundred rupees" shall be substituted.

Amendment of Section 60 of Mysore Act XI of 1900.

5. In Section 60 of the said Act, for the words "when in any proceedings taken under this Act, or in consequence of anything done under this Act", the words, "when in any proceedings taken, or in consequence of anything done, under this Act or under any other law for the time being in force in the State of Mysore" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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2	B	Notice dated 4th October 1950, of the Factory Manager in cancellation of the notice posted at the main gate.	5-4-1951
3	C	Copy of letter of Burland to the Superintendent of the Company *re*: Manager's assault, etc., (Dated nil).	7-6-1951
4	C—1	Acknowledgment from the Chief Minister's Office to Burland dated 22nd April 1950.	,,
5	C—2	Original of Exhibit C ...	8-6-1951
6	D	Management's letter dated 27th April 1950 *re*: May Day, to the Vice-President of the Association.	,,
7	D—1	Vice-President's reply dated 27th April 1950 to Exhibit D.	,,
8	E	Dismissal Order, dated 20th May 1950 *re*: Burland.	,,
9	F	President's letter to the Superintendent *re*: Burland, dated 7th June 1950.	,,
10	G	Superintendent's reply dated 9th June 1950, to Exhibit F.	,,
11	H	Assistant Labour Commissioner's letter dated 28th June 1950, to the Secretary of the Labour Association *re*: Burland.	,,

Sl. No.	Exhibit	Particulars in brief 356	Date of Admission
12	J	Notice dated 7th July 1950 of the Factory Manager *re*: play-off.	27-6-1951
13	K	Letter dated 7th July 1950, from the Labour Officer to the Secretary of the Labour Association *re*: play-off.	"
14	L	Letter dated 30th August 1950, from the Superintendent of the Company to the Secretary of the Labour Association *re*: advance to played-off workers.	"

LIST OF WITNESSES.

WITNESSES EXAMINED FOR THE MANAGEMENT.

1 Mr. James-Douglas Dixon.
2 Mr. Francis William Eames.
3 Mr. Suri Sobhanadri.
4 Mr. F M Somanna.
5 Sri Ganesan.
6 Sri Oothandi.
7 Sri Rajarathnam.
8 Sri Velayudham.
9 Sri Arumugam.
10 Sri V Tiruvengadam.

WITNESSES EXAMINED FOR THE WORKMEN.

1 Sri Burland.
2 Sri Chinnakannu.
3 Mr. Daniel.
4 Sri Ponnurangam.
5 Sri K B Thimmiah.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 357

No. L.S. 4464—L. W. 168-51-9, dated Bangalore, 11th February 1952.

Whereas by Order No. L.S. 2727—L.W. 168-51-5, dated 11th October 1951, made by the State Government an industrial dispute between the Management of the Mysore Spinning and Manufacturing Company Ltd., Bangalore, and the workmen employed in the said concern, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951;

And whereas His Highness the Maharaja of Mysore is of opinion that a further matter connected with and relevant to the said industrial dispute should also be referred to the Tribunal for adjudication;

Now therefore in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby refers the said further matter for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-3, dated the 15th June 1951, *viz.*—

"If the dismissal of Sri K. Sriramulu, Register 258, employee of the Mills amounts to victimisation, whether the said Sri Sriramulu is entitled to reinstatement or any other relief, and if so, to what relief is he entitled;

"In the event of any order for reinstatement, the payment of wages and allowances, etc., from the date of dismissal to the date of reinstatement"

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

PART IV

Section 2-B. 358

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 2061—Legis. 71-51-1, Bangalore, dated 12th February 1952.

Ordered that the accompanying Mysore Forest (Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 5th day of February 1952, be published as Mysore Act No. VI of 1952, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. VI OF 1952.

THE MYSORE FOREST (AMENDMENT) ACT, 1952.

Received the assent of His Highness the Maharaja on the Fifth day of February 1952.

An Act further to amend the Mysore Forest Act, 1900.

WHEREAS it is expedient further to amend the Mysore Forest Act, 1900 (Mysore Act XI of 1900), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Forest (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In clause (4) of Section 2 of the Mysore Forest Act, 1900 (hereinafter referred to as the said Act), after the words "cut up" the words "or sawn", shall be inserted. Amendment of Section 2 of Mysore Act XI of 1900.

3. In clause (*l*) of sub-section (2) of Section 37 of the said Act, after the words "establishment of saw pits", the words "or saw mills or any other sawing contrivance", shall be inserted. Amendment of Section 37 of Mysore Act XI of 1900.

Amendment of Section 59 of Mysore Act XI of 1900.

4. In sub-section (3) of Section 59 of the said Act, for the words " one hundred rupees " the words " five hundred rupees " shall be substituted.

Amendment of Section 60 of Mysore Act XI of 1900.

5. In Section 60 of the said Act, for the words " when in any proceedings taken under this Act, or in consequence of anything done under this Act ", the words, " when in any proceedings taken, or in consequence of anything done, under this Act or under any other law for the time being in force in the State of Mysore " shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4370-80—L.W. 214-50-8, dated Bangalore, 5th February 1952.

In exercise of the powers conferred by sub-section (1) of Section 20 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923), and in supersession of previous orders issued on the subject, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour in Mysore, as the Commissioner for Workmen's Compensation with jurisdiction over the whole of the State of Mysore, and the Deputy Commissioners of Districts specified in column (2) of the following table to be Commissioners for Workmen's Compensation with jurisdiction over the District specified in column (3) of the said table.

Sl. No.	Name and place of officer	Jurisdiction
1	2	3
1	The Deputy Commissioner, Bangalore District	Bangalore District
2	Do Mysore District	Mysore ,,
3	Do Mandya District	Mandya ,,
4	Do Kolar District	Kolar ,,
5	Do Tumkur District	Tumkur ,,
6	Do Chitaldrug District	Chitaldrug ,,
7	Do Shimoga District	Shimoga ,,
8	Do Chikmagalur District.	Chikmagalur ,,
9	Do Hassan District	Hassan ,,

In pursuance of sub-section (2) of Section 20 of the said Act, His Highness the Maharaja of Mysore is also pleased to regulate the distribution of business between

the Commissioner of Labour and the Deputy Commissioners under the said Act as follows :—

(1) The Labour Commissioner shall dispose of such cases as are transferred to him by the State Government under sub-section (5) of Section 21 of the Act.

(2) All other work under the Act shall be dealt with by the Deputy Commissioners of Districts, who are the Commissioners for Workmen's Compensation for the respective Districts.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.B. 10028-48—V.P. 39-51-7, dated Bangalore, 13th February 1952.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Village Panchayets and District Boards Act, 1952, (Mysore Act No. IV of 1952), His Highness the Maharaja of Mysore is pleased to appoint the 14th day of February 1952 as the date on which all the provisions of the said Act (other than Section 1 thereof which has already come into force) shall come into force in all the districts throughout the State of Mysore.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2102--Legis. 11-51-11, dated, Bangalore, 20th February 1952.

Ordered that Notification No. S.R.O. 283, dated 13th February 1952 of the Ministry of Law—The Constitution (Removal of Difficulties) Order No. II (Fifth Amendment) Order (C.O. 37), published in the *Gazette of India*, Part II, Section 1, dated the 13th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 13th February 1952.

S.R.O. 283. The following Order made by the President is published for general information :—

C.O. 37.

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. II (FIFTH AMENDMENT) ORDER.

In exercise of the powers conferred by clause (1) of Article 392 of the Constitution of India, the President is pleased to make the following order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. II (Fifth Amendment) Order.

(2) It shall be deemed to have come into force on the first day of January, 1952.

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2. In Part I of the Schedule to the Constitution (Removal of Difficulties) Order No. II, in the list of adaptations relating to Article 101, for the first adaptation, the following adaptation shall be substituted, namely :—

In clause (3), after "member" insert "of the provisional Parliament or" and for "the Chairman or the Speaker, as the case may be" substitute "the Speaker of the provisional Parliament".

3. In Part II of the Schedule to the Constitution (Removal of Difficulties) Order No. II, after the entry relating to Article 158, the following entry shall be inserted, namely :—

"190. To clause (3), add :—

'In the application of this clause to a person who is chosen a member of a House of the Legislature of a State at the first elections held under this Constitution, the expression "the Speaker or the Chairman, as the case may be" means the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, of that State functioning under the provisions of Part XXI.'".

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4580—L.W. 285-51-9, dated Bangalore, 15th February 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an industrial dispute exists between the workers and the Management of thirteen Beedi Factories of Kolar District, mentioned in Schedule I in respect of the matters specified in Schedule II below;

And Whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-3, dated 15th June 1951.

SCHEDULE I.

(1) Bagavan Beedi Factory, Kolar.
(2) Pool Beedi Factory, Do
(3) Sri Rama Beedi Factory, Do
(4) Asli Jaleel Beedi Factory, Do
(5) Master Beedi Factory, Do
(6) Subhan Beedi Factory, Do
(7) Dastigir Beedi Factory, Do
(8) Ameer Beedi Factory, Do
(9) Shivananda Beedi Factory, Do
(10) Mustafa Beedi Factory, Do
(11) Sovereign Beedi Factory, Do
(12) Azeez Beedi Factory, Do
(13) Wahab Beedi Factory, Do

SCHEDULE II.

(1) Increasing the wages from Rs. 1-9-0 as at present to Rs. 1-14-0, per thousand beedies.
(2) Grant of Dearness allowance at the rate of Re. 0-4-0 per thousand beedies.
(3) Giving full-time work to workers as before.
(4) Grant of Bonus to the workers at the rate of Rs. 20 per worker *per year*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 365

No. S.R. 7479—J.S. 6-51-12, dated Bangalore, 4th February 1952.

The accompanying Notification No. 61 (9) ICA.- 51, dated the 7th January 1952, together with its enclosures relating to the Restricted Auditors' Certificates (Part B States) Rules, 1951, received from the Deputy Secretary to the Government of India, Ministry of Finance, (Department of Economic Affairs) New Delhi, is republished for the general information.

By Order of His Highness the Maharaja,

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(DEPARTMENT OF ECONOMIC AFFAIRS).

New Delhi, the 7th January 1952.

NOTIFICATION.

Chartered Accountants.

No. 61 (9) ICA—51. In exercise of the powers conferred by sub-section (2A) of section 144 of the Indian Companies Act, 1913, (VII of 1913), the Central Government hereby makes the following rules, namely :—

1. (1) These Rules may be called the Restricted Auditors' Certificates (Part B States) Rules, 1951.

(2) They extend to all Part B States other than the State of Jammu and Kashmir.

(3) They shall come into force at once.

2. In these rules, unless the context otherwise requires—

(*a*) "Council" means the Council of the Institute of Chartered Accountants of India.

(*b*) "Form" means a form appended to these rules,

(*c*) "Institute" means the Institute of Chartered Accountants of India,

(*d*) "Secretary" means the Secretary to the Council,

(*e*) "Year" means the period commencing on the 1st day of April of any year and ending on the 31st day of March of the succeeding year.

3. (1) Every person holding a certificate granted under a law in force in the whole or in any portion of a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, (III of 1951) entitling him to act as an auditor

of companies in that State or any portion thereof shall, if he desires to continue to act as such auditor, make an application within three months from the commencement of these rules, to the Secretary in Form A.

(2) Every such application shall be accompanied by the original certificate or a duly certified copy thereof, together with a spare copy of the certificate.

4. (1) On receiving an application under rule 3, the Council shall, unless the applicant is subject to any of the disabilities specified in rule 10, enter his name in a register to be called the Restricted Auditors' Certificates (Part B States) Register.

(2) The Council shall maintain the register referred to in sub-rule (1) in Form B.

5. (1) Every person whose name has been entered in the Register referred to in rule 4 shall be entitled to receive a certificate from the Council in Form C.

(2) Every such certificate shall be valid until the 30th June in the year next following.

6. Any person referred to in rule 3 who fails to make an application to the Council within the period specified in that rule or having made such an application has been refused a certificate under rule 5 shall cease to be entitled to be appointed to act as an auditor under sub-section (2) of section 144 of the Indian Companies Act, 1913.

7. In the month of April each year, every holder of a certificate referred to in rule 5, intending to continue to practise as an auditor shall send a report to that effect to the Secretary in Form D in respect of the renewal of the certificate. A person who fails to send such a report shall cease to be entitled to be appointed to act as an auditor and his name shall be removed from the Register referred to in rule 4 unless, on an application made in this behalf, the Council condones the omission. The name so removed shall be notified in the *Gazette of India*.

8. The Council shall, on condonation of the omission referred to in rule 7, restore the name of the person to the Register. The restoration shall be notified in the *Gazette of India*.

9. (1) Every person entitled to act as an auditor of companies under rule 3 shall, so long as he is so entitled, style himself as "Restricted State Auditor" or where he practises under a trade name as "Restricted State Auditors" and shall use the letters "R.S.A." after his name.

(2) A firm shall not be entitled to style itself "Restricted State Auditor" unless all of its partners are entitled to act as auditors of companies under rule 3 above.

10. The Council may at any time suspend or cancel a certificate referred to in rule 5.

(1) if the holder,

(*a*) has been adjudged by a competent court to be of unsound mind,

(*b*) is an undischarged insolvent,

(*c*) being a discharged insolvent has not obtained a certificate from the courtthat his insolvency was caused by misfortune without any misconduct on his part,

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(*d*) has been convicted by a competent court, whether within or without India, of an offence involving moral turpitude and punishable with transportation or imprisonment or of an offence not of a technical nature, committed by him in his professional capacity unless he has been granted a pardon in respect of the offence committed, or on an application made by him in this behalf, the Central Government has, by an order in writing, removed the disability,

(*e*) has been declared by the Central Government not be a fit and proper person to be holder of a certificate under rule 5 by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity, or of any breach of professional propriety, provided that before making such a declaration, the Central Government should call upon the auditor to show cause why his certificate should not be cancelled and cause such enquiry to be made, as it may consider proper and necessary. (Explanation :—Without prejudice to the generality of the reference to any breach of professional propriety, any act or omission specified in the Appendix to these Rules shall be deemed to be such breach).

(2) on a request received from the auditor in this behalf:

Provided that the Council shall restore his name to the Register if the auditor makes a request to the Council to that effect within one year of the date of such suspension or cancellation.

The restoration shall be notified in the *Gazette of India*.

11. The suspension or cancellation of a certificate shall be notified in the *Gazette of India* and communicated to the holder of the certificate at his usual address.

12. For the purpose of a sub-clause (e) of clause (1) of rule 10, the following procedure shall be followed :—

(1) Subject to the provisions of this rule, all complaints regarding any act of negligence, misconduct, or dishonesty or any breach of professional propriety referred to in sub-clause (e) of clause (1) of rule 10 against a holder of the certificate referred to in rule 5 shall be investigated and all other enquiries relating to misconduct of such a holder shall be held by the Disciplinary Committee of the Council.

(2) A complaint referred to in clause (1) other than a complaint made by or on behalf of the Central or State Government, shall be in Form E.

(3) Every such complaint shall contain the following particulars, namely,

(*a*) the acts and omissions which if proved would render the person complained against unfit and not a proper person to be a holder of the certificate;

(*b*) the oral or documentary evidence relied upon in support of the allegations made in the complaint.

(4) The Secretary shall return the complaint which is not in the proper form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such time as the Secretary may specify.

(5) Within sixty days ordinarily of the receipt of a complaint referred to in clause (1) including a complaint by or on behalf of the Central Government or a State Government, the Secretaay shall,

(*a*) if the complaint is against an individual auditor, send a copy thereof to such an auditor at his address entered in the Register;

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(*b*) if the complaint is against a firm, send a copy of the complaint to the firm at the address of the head office of the firm as communicated by the complainant, calling upon the firm to disclose the name of the auditor concerned and to send a copy of the complaint to such auditor.

(*Explanation* :—A notice to the firm shall be a notice to all the auditors who are partners or employees of that firm).

(6) An auditor against whom the complaint is made may within fourteen days of the service of a copy of the complaint under clause (5) of rule 12 or within such time as may be extended by the Secretary, forward to the Secretary a written statement in his defence verified in the same manner as a pleading in a Civil Court.

(7) If on a perusal of the complaint other than a complaint by or on behalf of the Central or State Government and the written statement, if any, of the auditor concerned and other relevant documents and papers, the Council is of the opinion that there is a *prima facie* case against such an auditor the Council shall cause an enquiry to be made in the matter by the Disciplinary Committee of the Council. If the Council is of the opinion that there is no *prima facie* case against the auditor concerned, the complaint shall be filed and the complainant, the Auditor concerned and the Central Government shall be informed accordingly.

(8) Notwithstanding anything hereinbefore contained in this rule, the Secretary shall forward a complaint received from or on behalf of the Central or State Government together with the written statement, if any, of the auditor concerned direct to the Disciplinary Committee of the Council for enquiry.

(9) Every notice issued by the Secretary or by the Disciplinary Committee under this rule shall be sent to the auditor or the firm concerned by registered post with acknowledgment due. If such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice, the notice shall be deemed to have been served. If the notice is returned unserved with an endorsement that the addressee cannot be found at the address given, the Secretary shall ask the complainant to supply to him the correct address of the auditor or the firm concerned. A fresh notice shall be served upon the auditor of the firm at the address so supplied.

(10) It shall be the duty of the Secretary to place before the Disciplinary Committee all facts brought to his knowledge which are relevant for the purpose of an enquiry by the Disciplinary Committee.

(11) An auditor against whom the complaint is made shall have the right to defend himself before the Disciplinary Committee of the Council either in person or through a legal representative or any other Restrict State Auditor or a Member of the Institute.

(12) Except as otherwise provided in these rules, the Disciplinary Committee of the Council shall have the power to regulate its procedure in such manner as it considers necessary and during the course of enquiry may examine witnesses on oath, receive affidavits and any other oral or documentary evidence.

(13) The Disciplinary Committee of the Council shall submit its report to the Council and the Council shall consider the report of the Disciplinary Committee and after making such further enquiry, if any, as it may deem necessary, forward the same together with its findings to the Central Government.

(14) On receipt of the findings of the Council, the Central Government shall pass such orders as it may consider fit or may refer the case back for further enquiry by the Council and upon receipt of the finding after such enquiry pass final orders thereon.

APPENDIX.

[See *Rule 10 (1)(e).*] 364

A restricted State Auditor shall be deemed to be guilty of breach of professional propriety rendering him to be unfit to act as such if he:—

(*a*) represents that he is a member of the Institute of Chartered Accountants of India or uses the designation "Chartered Accountant" and/or words likely to create an impression that he is a member of the Institute;

(*b*) allows any person to practise in his name as a restricted State Auditor unless such a person is also a Restricted State Auditor and is in partnership with or employed by his firm or himself;

(*c*) pays or allows or agrees to pay or allow, directly or indirectly, to any person other than a Restricted State Auditor or a retired partner or a nominee or the legal representative of such partner, any share, commission, or brokerage in the fees or profits of his professional services;

(*d*) accepts or agrees to accept any part of the profits of the professional work of a lawyer, auctioneer, broker or other agent who is not a Restricted State Auditor;

(*e*) enters into partnership with any other person other than a Restricted State Auditor or secures either through the services of a person not qualified to be a Restricted State Auditor or by means which are not open to a Restricted State Auditor, any professional business;

(*f*) solicits clients or professional work either directly or indirectly, by circular, advertisement personal communication or interview or by any other means;

(*g*) advertises his professional attainments of service, or uses any designation or expressions other than "Restricted State Auditor" on professional documents, letter-heads, visiting-cards or sign-boards, unless it be a degree of a University established by law in India or recognised by the Council;

(*h*) discloses information acquired in the course of his professional engagement to any person other than his client, or otherwise than as required by any law in force for the time being;

(*i*) accepts a position as auditor previously held by a Restricted State Auditor or a Chartered Accountant without first communicating with him in writing;

(*j*) accepts an appointment as auditor of a company without first ascertaining from it whether the requirements of section 144 of the Indian Companies Act, 1913 (VII of 1913), in respect of the appointments of auditors, have been duly complied with:

(*k*) certifies or submits in his name or in the name of his firm a report of an examination of financial statements unless the examination of such statements and the related records has been made by him or by a partner or any employee in his firm or by another Restricted State Auditor;

(*l*) permits his name or the name of his firm to be used in connection with an estimate of earnings contingent upon future transaction in a manner which may lead to the belief that he vouches for the accuracy of the forecast;

(*m*) expresses his opinion of financial statements of any business or any enterprise in which he, his firm or a partner in his firm has a substantial interest, unless he discloses the interest also in his report;

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(*n*) charges in respect of his professional employment fees which are based on the percentage of profits or which are contingent on results;

(*o*) engages in any business or occupation other than the professional or a Restricted State Auditor unless permitted by the Council to be so engaged: Provided that nothing contained herein shall disentitle in a Restricted State Auditor from being a director in a company unless he or any of his partners is interested in such a company as auditor;

(*p*) fails to disclose a material fact known to him which is not disclosed in a financial statement; but disclosure of which is necessary to make the financial statement not misleading;

(*q*) fails to report a material misstatement known to him to appear in a financial statement with which he is concerned in a professional capacity;

(*r*) is grossly negligent in the conduct of his professional duties;

(*s*) fails to obtain sufficient information to warrant the expression of an opinion or his exceptions are sufficiently material to negate the expression of an opinion;

(*t*) fails to invite attention to any material departure from the generally accepted procedure of auditor applicable to the circumstances:

(*u*) fails to keep monies of his client in a separate banking account or to use such monies for which they are intended;

(*v*) includes in any statement, return or form to be submitted to the Central or State Government or the Institute any particulars knowing them to be false;

(*w*) is guilty of such other act or omission in his professional capacity as may be specified by the Council or the Central Government by a notification in the *Gazette of India.*

FORM A.

[See *Rule* 3(1).] 371

FORM OF APPLICATION FOR A RESTRICTED STATE AUDITOR'S CERTIFICATE.

To

The Secretary to the Council of the

Institute of Chartered Accountants of India.

Sir,

I beg to apply for a Restricted State Auditor's Certificate for practising in the State of..... ..... I also hereby declare that I am not subject to any of the disabilities stated in rule 10 of the Restricted State Auditor's Certificates (Part B States) Rules, 1951.

1. Name in full (Block letters) ... .
2. Professional address ... .
3. Residential address ... .
4. Father's name ... .
5. Nationality.
6. Date of borth.*
7. Particulars of qualifications.*
8. Place of business.
9. Date of commencement of business.
10. Occupation in full.
11. Whether holding a salaried employment in addition to practice as auditor.
12. Whether engaged in any other occupation besides 10 and 11 above.
13. Whether intend to continue engagement at 11 and 12 in add tion to practice.
14. Whether at any time debarred from practising as an accountant or auditor, and if so, the reason and duration thereof.

2. I hereby declare that if granted a Restricted State Auditors' Certificate, I will be bound by the rules that are in force or may be made from time to time by the Central Government hereafter.

3. I also send herewith the original/certified true copies of the State Auditors' Certificate held by me in the State of.....with an additional spare copy thereof.

Yours faithfully,

Place.....

Date..... .....

**N.B.*—Documentary evidence in respect of the date of birth and qualification will have to be produced with this application.

FORM B.

[*See Rule* 4 (2).] 372

RESTRICTED AUDITORS' CERTIFICATES (PART B STATES) REGISTER.

1. No.
2. Name.
3. Father's name.
4. Date of birth
5. Professional address.
6. Residential address.
7. Qualifications.
8. Certificate for the State of.
9. Date of Issue.
10. Whether practising independently or in partnership and name of firm.
11. Whether holding a salaried employment in addition to his practice as an auditor.
12. Remarks.

FORM C.

[*See Rule* 5 (1)].

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.
RESTRICTED STATE AUDITORS' CERTIFICATE.

This is to certify that.....has been granted a Restricted State Auditors' Certificate for practice within the State of..... He is, therefore, entitled to be appointed and to act as auditor of companies within the State of.....

This certificate is valid from the.....day of.....19..... to the 30th day of June 19....., inclusive.

Given under the Common Seal of the Institute of Chartered Accountants of India, this.....day of.....19.....

President

Seal

Secretary

FORM D.

(*See Rule* 7). 373

REPORT OF THE INTENTION TO CONTINUE PRACTICE IN THE STATE OF.....

To

The Secretary to the Council of the Institute of Chartered Accountants of India.

Dear Sir,

I hereby apply for the renewal of my Restricted State Auditors' Certificate within the State of.....

*2. I declare that I am not engaged in any other occupation or business besides the profession of accountancy. If and when I intend to be so engaged, I shall obtain the prior permission of the Council.

*3. I am engaged in other occupation (s) besides the practice of the profession of accountancy as..... ....for which permission of the Council has already been obtained (*vide* their letter No.....dated.....).

4. As and when I cease to be in practice, I shall duly inform the Council.

5. I hold the Restricted State Auditors' Certificate No.....for practice within the State of.....for the period ending.....

Yours faithfully,

.....

Signature

R.S.A.C. No.

Place.....

Date.....

---

*Delete the para not applicable.

FORM E.

[*See Rule* 12 (3)].

Form of Complaint. 324

BEFORE THE COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

Between

Petitioner

And

Respondent

Petitioner's address

Particulars of complaint in paragraphs consecutively numbered

Particulars of evidence, oral and documentary, if any, to substantiate the complaint.

Verification.

I, ..., the petitioner do hereby declare that what is stated is true to the best of information, knowledge and belief.

Verified to-day the.....day of.....19.....at.....

.....

Signature.

.....

Deputy Secretary to the Government of India.

NOTIFICATION.

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No. C. 1543, dated Bangalore, 4th February 1952.

Ordered that the accompanying Notifications No. S.R.O. 1940, dated 8th December 1951, and No. S.R.O. 2078, dated the 29th December 1951, issued by the Government of India, Ministry of Commerce and Industry, under the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 8th December 1951.

No. S.R.O. 1940.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1946, namely :—

In paragraph (d) of sub-clause (3) of clause 21 of the said order—

(*a*) In sub-paragraph (v) for the words and figures "September 1951 and every subsequent month" the words and figures "each of the months of September, October and November, 1951" shall be substituted;

(*b*) after sub-paragraph (vi) the following sub-paragraph shall be added, namely :—

"(vii) during December 1951 and every subsequent month a quantity of yarn intended for sale in India less than 87½ per cent of the total quantity of yarn packed by him in the same month; provided, however, that out of the remaining quantity packed, the quantity of yarn falling under any of the groups specified in the Table below shall not be more than 20 per cent of the total quantity of yarn packed by him in that month in the same group.

TABLE.

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Group.	Count.		Range and Description.		
I	1s to 6s	...	(both inclusive)	(waste)	(single)
II	1s to 6s	...	Do	do	(folded)
III	6s to 14s	...	Do	(single)	
IV	6s to 14s	...	Do	(folded)	
V	16s to 20s	...	Do	(single)	
VI	16s to 20s	...	Do	(folded)	
VII	22s to 30s	...	Do	(single)	
VIII	22s to 30s	...	Do	(folded)	
IX	32s to 40s	...	Do	(single)	
X	32s to 40s	...	Do	(folded)	
XI	41s to 78s	...	Do	(single)	
XII	41s to 78s	...	Do	(folded)	

C. R. NATESAN, *Dy. Secy*,

New Delhi, the 29th December 1951.

No. S.R.O. 2078.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely,—

In the said order—

(1) in sub-clause (ii) of clause 20A—

(i) in item (b) for the words "tapes and tubular bandings the words "tapes, ropes, and twisted, card, bundle or tubular bandings" shall be substituted ;

(ii) in Item (c) after the words "bundles", the words "and stitching of cloth ends" shall be added.

(iii) for the existing proviso the following shall be substituted, namely,—

"Provided that in relation to manufacture of hosiery and manufacture of reeds and healds, the Textile Commissioner may, by Order in writing, and having regard to—

(*a*) the quantity of yarn which any such producer is required to sell under the provisions of sub-clauses (1) and (2) of clause 12; and

(*b*) the quantity of hosiery or the quantity of reeds and healds, as the case may be, produced by him in any of the two years 1949 and 1950,

authorise the producer to utilise a specified quantity of yarn for the manufacture of hosiery or the manufacture of reeds and healds.

(2) in clause 20 B—

(i) in the proviso to sub-clause (i) after the words "utilise specified" the words "number or" shall be inserted.

(ii) in sub-clause (ii) after the words "for the weaving of cloth" the words "or the weaving of a fabric from the staple fibre spun in his undertaking" shall be added.

(3) in clause 20C after the second proviso the following proviso shall be added, namely—

"Provided further that nothing in this clause shall apply to any such producer who processes, under the authority of the Textile Commissioner—

(i) any yarn belonging to a handloom weaver or a producer who has no spinning plant ;

(ii) any handloom cloth.

(4) in clause 21—

(i) in sub-clause (1) after item (c) of the second proviso, the following item shall be added, namely,—

"(*d*) Cloth in respect of which any direction issued under sub-clause (2) of clause 30 requires the sale of a quantity different from the quantity specified for full, one half or one quarter bales as aforesaid."

(ii) in the proviso to sub-clause (2) after the word "containing" the word 'three-fourths" shall be inserted.

(iii) in the explanation to sub-clause (3) after item (iv) the following item shall be added, namely:—

"(v) the following varieties of cloth, namely cotton waste blankets, durries, towels, and furnishing fabrics shall be excluded in determining and quantity of cloth referred to in paragraph (*d*); provided that the Textile Commissioner may by general order direct producers having a spinning plant to pack during any month for sale in India a specified minimum quantity of any of the said varieties of cloth out of the total quantity of that variety packed during that month".

(5) in clause 23, for sub-clause (3), the following sub-clause shall be substituted, namely,—

"(3) No person shall in the manufacture of cloth use sewing thread or sewing thread yarn".

(6) in sub-clause (1) of clause 30—

(i) for the word "deliver" the words "otherwise dispose of" shall be substituted;

(ii) in item (*a*) after the words "requirements of the Central Government" the words "a State Government or a local authority" shall be added;

(iii) for item (*c*) the following item shall be substituted,

(*c*) wholesale dealers or other persons nominated by a State Government or by the Textile Commissioner".

(iv) in item (*d*) after the words "manufacture of any goods", the words "who are nominated by the Textile Commissioner" shall be added.

(7) in sub-clause (2) of clause 30 after the words "to sell" the words "or deliver" shall be inserted.

(8) in sub-clause (4) of clause 30 the words "percentage of" shall be deleted.

(9) In clause 30A for sub-clause (1) the following shall be substituted, namely,—

"30A (1): A wholesale dealer shall not sell or deliver any cloth or yarn except

(*a*) to a dealer or dealers,

(*b*) to an owner of an undertaking in which cloth or yarn is required for the manufacture of any goods, or

(*c*) to the management of an institution for purposes of consumption therein, specified by the Controller."

(10) Schedule 'B' shall be omitted.

S. A. TECKHANDANI,

Under Secretary to the Government of India.

NOTIFICATION. 378

No. L D. 2097—Legis. 6-51-57, dated Bangalore, 19th February 1952.

Ordered that Notification No. 40/30/51-Judicial, dated 16th January 1952 of the Ministry of Home Affairs, issuing instructions regarding submission of memorials or petitions to the President of India praying for pardon, published in the *Gazette of India*, Part I, Section 1, dated the 26th January 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 16th January 1952.

No. 40/30/51-Judicial.—The following instructions for the submission of memorials or petitions to the President of India praying for pardon are published for general information in supersession of all previous instructions on the subject. These instructions shall not apply to memorials or petitions submitted by, or on behalf of, convicts under sentence of death.

PART I.

Preliminary.

1. *Definitions.*—In these instructions :

(1) "State Government" means, in relation to any Part C State and the Andaman and Nicobar Islands, the Chief Commissioner.

(2) "Memorial" means a memorial praying for pardon, addressed to the President and includes petitions, letters and applications of the nature of memorials.

(3) "Petition" means a petition praying for pardon, addressed to the President and includes memorials, letters and applications of the nature of petitions.

(4) "Pardon" means the grant, to any offender convicted in the exercise of its criminal jurisdiction by any Court in India and sentenced to punishment other than death, of a pardon either free or on conditions ; and includes a respite, reprieve or remission of punishment.

PART II

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Form and manner of submission of memorials and petitions.

2. *Form of memorial or petition* :

(1) A memorial or petition may be either in manuscript or in print.

(2) Every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner, or, when the memorialists or petitioners are numerous, by the signatures of one or more of them.

(3) Every memorial or petition, and the documents accompanying it, shall, if possible, be in English.

3. *Contents of memorial or petition.*—Every memorial or petition shall

(*a*) contain all material statements and arguments relied upon by the memorialist or petitioner ;

(*b*) be complete in itself ;

(*c*) be accompanied by copies of the judgments of the courts ; and

(*d*) end with a specific prayer.

4. *Method of submission.*—Every memorial or petition shall be submitted through the State Government concerned and shall be accompanied by a letter requesting the Chief Secretary to the State Government concerned to transmit the memorial or petition to the President.

PART III.

Withholding of memorials and petitions by the State Government.

5. *Circumstances in which memorials or petitions may be withheld by the State Government.*—The State Government may withhold a memorial or petition when—

(1) the memorialist or petitioner has not complied in full with the provisions of Part II of these instructions ;

(2) the memorial or petition is illegible or unintelligible, or contains language which is, in the opinion of the State Government, disloyal, disrespectful or improper ;

(3) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ; or

(4) the memorial or petition contains a prayer concerning a sentence or punishment (not being a sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

5. *Memorialist or petitioner to be informed when memorial or petition is withheld.*—When a memorial or petition is withheld under instruction 5, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

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6. *List of memorials or petitions withheld.*—The State Government shall send a quarterly return to the Secretary to the Government of India in the Ministry of Home Affairs specifying the brief details of all memorials or petitions withheld under instruction 5 and the reasons for withholding them.

PART IV.

Transmission of memorials and petitions by State Governments.

7. *Procedure for transmission.*—The State Government shall transmit to the Secretary to Government of India in the Ministry of Home Affairs all memorials or petitions not withheld under instruction 5 together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorial or petition.

(2) Where the memorial, petition or any document accompanying them is not in English, the State Government shall, when transmitting it under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

H. V. R. IENGAR, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C 381

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 12252—Ml. 82-51-15, Bangalore, dated 6th February 1952.

In exercise of the powers conferred by Section 48 (1) (i) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *Model bye-laws* for enforcing the supply of information regarding ordinary liability to tax on professions, arts, trades and callings and on offices and appointments.

BYE-LAWS RELATING TO PROFESSION TAX.

1. On the written requisition of the Municipal President or of such person or persons as may be authorised by him from time to time in this behalf:

(i) Every person engaged in or exercising any profession, art, trade or calling or holding any office or appointment within the limits of the Town Municipality shall, within fifteen days after the receipt of such requisition, furnish a statement under his signature in writing in the form appended to these bye-laws showing his income for the required year or years.

(ii) Every occupier of any building or land within the Town Municipal limits shall furnish, within a week of the requisition, a list in writing containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, office or appointment of every such person.

2. Every employer or the head or Secretary or Manager of any public or private office or of a firm, or company or association shall, within the 15th of April and 15th of October every year furnish:

(*a*) a list in writing of the names of all persons employed by such employer or by such office, firm, company or association with a statement of the salary or income of each of such employed persons and;

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(*b*) the particulars in regard to any company of which such employer, head, Secretary or Manager, as the case may be, is the agent.

3. Notwithstanding anything contained in these bye-laws, every person commencing to exercise any profession, art, trade or calling or to hold any office or appointment in the Town Municipal limits who has not been required to furnish a return under the Bye-law shall, within fifteen days of so commencing, give information of the fact to the President or other persons authorised by him in this behalf.

4. Every person who is liable to the tax and who shall change either the designation of the firm or the nature of his profession, art, trade or calling or office or appointment or his place of business, shall within fifteen days of such change, give intimation thereof to the President or other person authorised by him in this behalf.

5. Any infringement of these bye-laws by any person shall be punishable with fine which may extend to Rupees fifty.

FORM OF RETURN.

True Return furnished by.....

Under the bye-laws framed by the.....Town Municipal Council under Section 48 (1) (i) of the Mysore Town Municipalities Act, (Mysore Act XXII of 1951) as to the liability to tax on profession, art, trade or calling and on offices and appointments for the year ended.....

Name and address of the party	Nature of profession, art, trade or calling followed or office or appointments held.	Date from which profession etc. is followed.	Monthly income		Remarks.
			Included in the last return.	During the current year.	

Name of the Town

Signature of the party.

By Order of His Highness the Maharaja,

No. L. 12370—Ml. 82-51-16, dated Bangalore, 6th February 1952.

In exercise of the powers conferred by Section 46 (1) (*h*) read with Section 61 (*h*) (XI) of the Mysore Town Municipalities Act, 1951, (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *Model Rules* for the levy and collection of a tax on arts, professions, trades and callings and on offices and appointments in the Town Municipalities in the State :—

RULES.

1. Every person who, within the Municipal limits, exercises a profession, art or calling or holds an office or appointment—public or private—or is employed in or engages himself in any capacity in or exercises any profession or trade or calling, and every person falling under any of the denominations shown in schedule I appended to these Rules shall pay the tax at the rate specified in the said schedule as payable by persons of the class in which such person will be placed.

2. The tax shall be payable in advance in two equal half yearly instalments in April and October every year (or in one lumpsum if the assessee so desires).

3. No person shall be liable to be taxed under these Rules in respect of any half year in which he has exercised a profession, art, trade or calling or held an office or an appointment for a period of less than sixty days in the aggregate within the Town.

4. When a person exercises more than one profession or art or engages in more than one trade or calling whether under the same name or under different names, or holds more than one office or appointment, the tax shall be calculated on his aggregate income from all such sources.

5. On or before 1st April and 1st October every year, an assessment list in the form specified in Schedule II shall be prepared. The list will be subject to revision half yearly or yearly as may be decided by the Municipal Council.

6. Any person who has paid the tax for the whole half-year or year and who ceases during such period to be

liable to assessment, shall be entitled to a refund of not less than half the assessment :

Provided that no such remission shall be granted unless notice in writing of the fact of his giving up the profession, art, trade, or calling or office or appointment has been given to the President, Municipal Council and no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

SCHEDULE I. (*See Rule* 1.)

Rates of tax on arts, professions, trades and callings.

CLASS I.

Every person holding any office or appointment public or private or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—
Yearly Rs. 50.—

(i) Carrying on business as a company ;
(ii) Abkari renters, wholesale and retail traders and manufacturers of every kind, contractors, auctioneers, and commission agents ;
(iii) Bankers, money lenders, money changers, and pawn brokers ;
(iv) Editors and proprietors of newspapers ;
(v) Brokers and dealers in securities, shares or bills of exchange ;
(vi) Practising barristers, advocates, High Court Vakils, solicitors, attorneys, pleaders and Law Agents ;
(vii) Practising medical practitioners of all kinds including hakims and vaidyas ;
(viii) Dentists and Veterinary Surgeons ;
(ix) Owners and farmers of markets and toll farmers ;
(x) Architects and Civil Engineers ;
(xi) Keepers of hotels, lodging houses or boarding houses ;

(xii) Builders and surveyors;

(xiii) Owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses, and factories of all kinds;

(xiv) Professional artists, photographers, actors, owners or managers of circuses of theatrical companies, musicians and dancers;

(xv) Dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages;

(xvi) Artizans.

CLASS II.

Every person described in Class I above, whose pay or salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards. Rs. 25.

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards. Rs. 12.

CLASS IV.

Every person described in class I, whose pay or salary amounts or whose income is estimated to amount to two hundred rupees a month or upwards. Rs. 8.

CLASS V.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to one hundred rupees a month or upwards. Rs. 4.

CLASS VI.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to fifty rupees a month or upwards. Rs. 2.

CLASS VII.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to thirty rupees a month or upwards. Re. 1.

Note.—The foregoing classification is subject to the following provisos, namely :—

Proviso 1.—No owner of a cotton press shall be placed in any class below class II.

Proviso 2.—No wholesale trader, banker, barrister, advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill-owner or factory owner shall be placed in any class below Class III.

Proviso 3.—No abkari renter (other than a mere liquor shop-keeper) Editor, or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange and no pleader, medical practitioner (other than a hakim or vaidya, dentist or veterinary surgeon) shall be placed in any class below Class IV.

Proviso 4.—No boatowner, auctioneer, money lender, owner or farmer of a market, toll farmers, keeper of a hotel lodging house or boarding house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press) shall be placed in any class below Class V.

SCHEDULE II.

Profession Tax Assessment.

(RULE 5.)

..... Town Municipality.

Division No.....

No.	Name of party	Assessment in previous year		Occupation Address	Monthly or annual income or other basis of assessment	Proposed assessment		
		No.	Amount Rs.			Class	Amount Rs.	Number

By Order of His Highness the Maharaja,

No. T. 7020—R.T. 156-51-2, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja of Mysore, is pleased to exempt the following motor vehicle of the American Consulate-General, India, attached to the United States Information Library at Bangalore, from payment of taxes and tolls leviable in Mysore State under the said Act, upto 31st March 1952.

Description of the Vehicle.

Class of vehicle	...	... Truck
Type of vehicle	...	... Closed
Maker's name	...	... Delahaye
Chassis Number	...	... 845848
Engine Number	...	... 845548

By Order of His Highness the Maharaja,

No. T. 7033—R.T. 156-51-3, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Rule 59 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to exempt the following motor vehicle of the American Consulate-General, India, attached to the United States Information Library at Bangalore, from payment of registration fee payable in Mysore State under the said Rules.

Description of the Vehicle.

Class of Vehicle	...	... Truck
Type of Vehicle	...	... Closed
Maker's name	...	... Delahaye
Chassis number	...	... 845848
Engine number	...	... 845548

By Order of His Highness the Maharaja,

No. L. 13157—C.M. 30-51-4, dated Bangalore, 18th February 1952.

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949) His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure

with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No. L. 8030 - C.M. 57-49-9, dated the 28th January 1950, namely :—

For the first sentence occurring in sub-rule (6) of Rule 27 of the said rules, the following sentence shall be substituted namely :—

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with Section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 6743—S.T. 56-51-4, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Section 25 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Sales-Tax Rules, 1948, the draft amendment having been previously published in the *Mysore Gazette*, dated the 6th December 1951 as required by sub-section (4) of the said section.

Amendment.

In the Mysore Sales-Tax Rules, 1948, to item (i) of clause (a) of sub-rule (5) of Rule 6, the following proviso shall be added, namely :—

"Provided that the fees payable by Charka Silk Reelers, for dealing in silk yarn reeled by them shall be as follows :—

		Rs.	As.	Ps.
If the turn-over is Rs. 10,000 and above but does not exceed Rs. 20,000 per annum.	...	12	8	0
If the turn-over exceeds Rs. 20,000 but does not exceed Rs. 50,000 per annum	...	25	0	0

(xii) Builders and surveyors;

(xiii) Owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses, and factories of all kinds;

(xiv) Professional artists, photographers, actors, owners or managers of circuses of theatrical companies, musicians and dancers;

(xv) Dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages;

(xvi) Artizans.

CLASS II.

Every person described in Class I above, whose pay or salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards. Rs. 25.

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards. Rs. 12.

CLASS IV.

Every person described in class I, whose pay or salary amounts or whose income is estimated to amount to two hundred rupees a month or upwards. Rs. 8.

CLASS V.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to one hundred rupees a month or upwards. Rs. 4.

CLASS VI.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to fifty rupees a month or upwards. Rs. 2.

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CLASS VII.

Every person described in Class I whose pay or salary amounts or whose income is estimated to amount to thirty rupees a month or upwards. Re. 1.

Note.—The foregoing classification is subject to the following provisos, namely :—

Proviso 1.—No owner of a cotton press shall be placed in any class below class II.

Proviso 2.—No wholesale trader, banker, barrister, advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill-owner or factory owner shall be placed in any class below Class III.

Proviso 3.—No abkari renter (other than a mere liquor shop-keeper) Editor, or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange and no pleader, medical practitioner (other than a hakim or vaidya, dentist or veterinary surgeon) shall be placed in any class below Class IV.

Proviso 4.—No boatowner, auctioneer, money lender, owner or farmer of a market, toll farmers, keeper of a hotel lodging house or boarding house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press) shall be placed in any class below Class V.

SCHEDULE II.

Profession Tax Assessment.

(RULE 5.)

..... Town Municipality.

Division No.....

No.	Name of party	Assessment in previous year		Occupation Address	Monthly or annual income or other basis of assessment	Proposed assessment		
		No.	Amount Rs.			Class	Amount Rs.	Number

By Order of His Highness the Maharaja,

No. T. 7020—R.T. 156-51-2, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja of Mysore, is pleased to exempt the following motor vehicle of the American Consulate-General, India, attached to the United States Information Library at Bangalore, from payment of taxes and tolls leviable in Mysore State under the said Act, upto 31st March 1952.

Description of the Vehicle.

Class of vehicle	...	Truck
Type of vehicle	...	Closed
Maker's name	...	Delahaye
Chassis Number	...	845848
Engine Number	...	845548

By Order of His Highness the Maharaja,

No. T. 7033—R.T. 156-51-3, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Rule 59 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to exempt the following motor vehicle of the American Consulate-General, India, attached to the United States Information Library at Bangalore, from payment of registration fee payable in Mysore State under the said Rules.

Description of the Vehicle.

Class of Vehicle	...	Truck
Type of Vehicle	...	Closed
Maker's name	...	Delahaye
Chassis number	...	845848
Engine number	...	845548

By Order of His Highness the Maharaja,

No. L. 13157—C.M. 30-51-4, dated Bangalore, 18th February 1952.

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949) His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure

with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No. L. 8030 - C.M. 57-49-9, dated the 28th January 1950, namely :—

For the first sentence occurring in sub-rule (6) of Rule 27 of the said rules, the following sentence shall be substituted namely :—

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with Section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation."

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 6743—S.T. 56-51-4, dated Bangalore, 14th February 1952.

In exercise of the powers conferred by Section 25 of the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Sales-Tax Rules, 1948, the draft amendment having been previously published in the *Mysore Gazette*, dated the 6th December 1951 as required by sub-section (4) of the said section.

Amendment.

In the Mysore Sales-Tax Rules, 1948, to item (i) of clause (a) of sub-rule (5) of Rule 6, the following proviso shall be added, namely :—

"Provided that the fees payable by Charka Silk Reelers, for dealing in silk yarn reeled by them shall be as follows :—

	Rs.	As.	Ps.
If the turn-over is Rs. 10,000 and above but does not exceed Rs. 20,000 per annum. ...	12	8	0
If the turn-over exceeds Rs. 20,000 but does not exceed Rs. 50,000 per annum ...	25	0	0

	Rs.	a.	p.
If the turn-over exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 per annum ...	50	0	0
And for every additional turn-over of Rs. 1,00,000 or a part thereof	50	0	0

This amendment shall be deemed to have come into force on the 1st day of April 1951.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

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The Mysore Gazette

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(EXTRAORDINARY) 399

BANGALORE, WEDNESDAY, FEBRUARY 20, 1952.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 2104—L.A. 69-51-1, dated Bangalore, 20th February 1952.

In exercise of the powers conferred upon me by Clause (1) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby summon the State Legislative Assembly functioning under Article 385, to meet at 4 P.M. in Sir Puttanna Chetty Town Hall, Bangalore, on Thursday the 20th March 1952, and to continue the meetings at the Legislative Assembly Hall, Bangalore, on and from Friday the 21st March 1952.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2117—Legis. 4-51-90, dated Bangalore, 22nd February 1952.

Ordered that the Part B States Marriages Validating Act, 1952 (Central Act I of 1952), published in the *Gazette of India*, Part, II, Section I, dated the 16th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 15th February 1952.

THE PART B STATES MARRIAGES VALIDATING ACT, 1952 (1 OF 1952).

AN

ACT

to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March 1951, under the Indian Christian Marriage Act, 1872.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Part B States Marriages Validating Act, 1952.

2. **Validation of certain irregular marriages.**—All marriages between persons one or both of whom is or are a Christian or Christians, which were solemnized in any Part B State other than the State of Jammu and Kashmir between the 26th

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day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872 (XV of 1872), shall be, and shall be deemed to have been with effect from the date of solemnization of each of them respectively, as good and valid in law as if such marriages had been solemnized by a person duly authorised under the said Act to solemnize such marriages in the Part B State concerned.

3. **Validation of records of marriages validated by Section 2.**—Certificates of marriages which are declared by Section 2 to be good and valid in law, and register books, and certified copies of true and duly authenticated extracts therefrom, deposited or purporting to be deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872 (XV of 1872), in so far as the register, books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been duly solemnized under the said Act.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 2118—Leis. 4-51-91, dated Bangalore, 22nd February 1952.

Ordered that the Prevention of Corruption (Amendment) Act, 1952 (Central Act, II of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 16th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 15th February 1952.

THE PREVENTION OF CORRUPTION (AMENDMENT) ACT, 1952 (II OF 1952.)

AN

ACT

further to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Prevention of Corruption (Amendment) Act, 1952.

2. **Amendment of Section 1, Act II of 1947.**—In Sub-Section (3) of Section 1 of the Prevention of Corruption Act, 1947, for the words "five years", the words "ten years" shall be substituted.

K. V. K. SUNDARAM,
Secretary to Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L. D. 1751—Legis. 6-51-47, dated Bangalore, 20th December 1951.

Ordered that Notification No. L.A. 4 (3) II—3617, dated the 22nd November 1951 of Labour Appellate Tribunal of India making certain additions and alterations to the Rules to regulate its practice and procedure published in the *Gazette of India*, Part III, Section 1, dated the 1st December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

LABOUR APPELLATE TRIBUNAL OF INDIA.

NOTIFICATION.

Calcutta, the 22nd November 1951.

No. L.A. 4 (3) II/3617.—By virtue of the powers conferred on it by Sub-Section (10) of Section 9 of the Industrial Dispute (Appellate Tribunal) Act, 1950 (Act XLVIII of 1950) the Labour Appellate Tribunal of India is pleased to make the following additions and alternations to the Rules to regulate its practice and procedure published with Notification No. LA-4 (3) II—2923, dated the 30th July 1951:—

(I) In Rule 10 of Order No. 1 in the penultimate line between the word 'moved' and the figure and word '24 hours', insert the words 'so as to reach the office';

(II) Number the present Rule 10 of Order No. 1 as Rule 10 (1) and insert the following as sub-rule (2) of the said rule:—

"(2) Applications shall ordinarily be moved at the commencement of the Tribunal's sitting on Monday or, if the Monday is a holiday, on the next court day: Provided that another time or day may be fixed with the previous approval of the Tribunal."

(III) Before the full stop at the end of sub-rule (1) of Rule 12 of Order No. 1, insert the following :—

"but the applicant shall file with the memorandum of appeal, the number of spare copies of the application required for service on the respondents and the Tribunal's office shall serve such copies on the respondents along with the notice of registration of appeal."

(IV) Insert the capital letter "A" between the figure '26' and the letter and bracket '(a) in Rule 26 of Order No. IV commencing "No person inspecting a record".

J. N. MAJUMDAR,

Chairman,

Labour Appellate Tribunal of India.

NOTIFICATION.

No. 5623-Cts. 169-51-3, dated Bangalore, 21st February 1952.

Ordered that the following Notification No. F. 7 (13)-F. I/51, dated 5th February 1952, issued by the Government of India, Ministry of Finance, (Department of Economic Affairs), be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

No. F. 7 (13)-F. I/51.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(DEPARTMENT OF ECONOMIC AFFAIRS).

NOTIFICATION.

New Delhi, the 5th February 1952.

In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the State Government of Mysore, with their consent, the functions of the Central Government under the Explanation to Section 25 of the Negotiable Instruments Act, 1881, (XXVI of 1881), subject to the condition that, notwithstanding this entrustment, the Central Government may itself exercise the said functions should it deem fit to do so in any case.

S. K. SEN,

Deputy Secretary to the Government of India.

NOTIFICATION.

No. E.B. 17369—Eln. 171-51-1, dated Bangalore, 22nd February 1952.

Ordered that the accompanying Notification No. 18-52—Elec. III, dated the 16th February 1952 of the Election Commission, India, be republished in the *Mysore Gazette*, for the general information.

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION INDIA.

NOTIFICATION.

New Delhi—1, February 16, 1952.

No. 18/52-Elec. III.—In exercise of the powers conferred by Clause (*a*) of sub-section (2) of section 81, of the Representation of the People Act, 1951, the Election Commission hereby appoints Sri P. N. Krishna Mani, Assistant Secretary, Election Commission, as an Officer, who may also receive Election Petitions presented in accordance with the provisions contained in Part VI of the said Act.

P. S. SUBRAMANIAN,
Secretary.

NOTIFICATION. 400

No. S.R. 7971—Regis. 22-51-4, dated Bangalore, 19th February 1952.

In exercise of the powers conferred by Section 5 of the Indian Registration Act, 1908 (Central Act XVI of 1908), His Highness the Maharaja of Mysore is pleased to direct the alteration in the limits of the Sub-Districts of T.-Narasipur and Bannur for the purposes of the said Act, and the altered limits are specified hereunder.

The alteration shall take effect from the *First day of April 1952.*

T.-Narasipur.

Sl. No.	Name of the Village.	Sl. No.	Name of the Village.
1	Akkur	40	Basavanapura
2	Agastapura	41	Bilugalee
3	Alagudu	42	Bettahalli
4	Adibettahalli	43	Byrapura
5	Iggali (Hariharapura)	44	Bommanayakanahalli
6	Indavalu	45	Maradipura
7	Eashwaragowdanahalli	46	Mavinahalli
8	Kaliyuru	47	Malangi
9	Kalkunda	48	Madrahalli
10	Kannahalli	49	Madavadee
11	Karoohatti	50	Madapura
12	Kamahalli	51	Maranapura
13	Kahalli	52	Muttatti
14	Tiragasuru	53	Muguru
15	Kuppa	54	Megadahalli
16	Kuruburu	55	Madegowdnahundi
17	Kudlur	56	Yadadore
18	Kukkuru	57	Yaraganahalli
19	Kethahalli	58	Rangasamudra
20	Koppalu (Kaligundi)	59	Ramanathapuradahundi
21	Kottagala	60	Ranganathapura
22	Gargeshwari	61	Vadeyandahalli
23	Gejjaganahalli	62	Vatalu
24	Chandahalli	63	Vijapura
25	Channanjavaderapura	64	Sujjaluru
26	Chennambahalli	65	Settahalli
27	Chowhalli	66	Hakanuru
28	Danayakanapura	67	Harcopura
29	Talakadu	68	Hiriyuru
30	Tirumakudalu	69	Hittuvalli
31	Tayuru	70	Hunasuru
32	Tumbala	71	Hunaganahalli
33	Tottawadi	72	Hemmige
34	Doddapura	73	Honakote
35	Narasipura	74	Hosapura
36	Nilasoge	75	Hosahalli
37	Pattehundee	76	Holasalu
38	Piluballi	77	Honnur
39	Bannaballi	78	Sosale

Sl. No.	Name of the Village.
79	Binakanahalli
80	Megadahalli
81	Muthalavadi
82	Karagahalli
83	Chikkabuvalli
84	Kyamballi
85	Horalahalli
86	Naragyathanahalli
87	Hasuvalli
88	Kannayakanahalli

Bannur.

Sl. No.	Name of the Village.
1	Attahalli
2	Ankahalli
3	Aravattige Koppal
4	Anasale
5	Avverahalli
6	Uddibagur
7	Ukkalagere
8	Kodagahalli
9	Kunthanahalli
10	Kallipura
11	Kempanapura
12	Kanchanahalli
13	Kethupura
14	Kiragaval
15	Kalkuni
16	Kebbepura
17	Goravanahalli
18	Ganigarakoppal
19	Chamanahalli
20	Chidaravalli
21	Chimmali
22	Chikkamuluguda
23	Thuruganur
24	Doddamulugudu
25	Doddalakshmipura
26	Doddapura
27	Desavalli
28	Nanjapura
29	Bannur
30	Beedanahalli
31	Bugathagatalli
32	Bettahalli
33	Banagavadi
34	Basavanahalli

Sl. No.	Name of the Village.
89	Thammadipura
90	Chikkalaxmipura
91	Doddabagilu
92	Konagahalli
93	Halavara
94	Kolathuru
95	Ramegowdanapura
96	Krishnarajapura—Agrahara
97	Budahalli
98	Nagalagere

(Kirgaval Hobli).

35	Bommanahalli
36	Bevinahalli
37	Bagur
38	Bendravadi
39	Basavanahalli

(Bannur Hobli).

40	Madigahalli
41	Maliyur

(Kimgaval Hobli).

42	Menacikyathanahalli
43	Mudukanapura
44	Mikkere
45	Maganahalli
46	Markulu
47	Maliyur

(Bannur Hobli)

48	Maragowdanahalli
49	Yachenahalli
50	Yedahalli
51	Ramanduru
52	Virajipura
53	Seehalli
54	Seegodipura
55	Senapathihalli
56	Somanathapura
57	Soorkahalli
58	Hanumanalu
59	Hunasagahalli
60	Hegguru
61	Halavaradamutt
62	Huvinakoppalu
63	Honaganahalli
64	Hanakola

By Order of His Highness the Maharaja,

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Read—the following papers :— 402

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Wednesday, the 13th February 1952.

Present.

SRI T. SINGARAVELU MUDALIAR, B.A., B.L. .... *Chairman.*
JANAB MOHAMOOD SHERIFF, B.A., LL.B. .... *Member.*
SRI S. RANGARAMIAH, B.A., LL.B. .... *Member.*

Petitioners.

1. Channiah
2. Pyarejan
3. Madaiah
4. Thimmaiah
5. M. C. Chamiah
6. Hanumiah
7. A. Siddaiah
8. P. Maddiah
9. Ranga
10. B. Javaraiah
11. Ghouse Peer
12. Subbaiah
13. Veerabhadriah
14. Krishnaiah
15. S. Ghouse Peer
16. Lakshmiah
17. P. Javariah
18. Malla
19. Siddaiah
20. Venkatesh
21. Puttaswami
22. Ram Prasad
23. Bommiah
24. Sivaji Rao
25. Hari Singh
26. Sanna
27. Thollasamma
28. M. Rangamma
29. B. Siddamma
30. S. Rangamma
31. Narasamma
32. Lakshmamma
33. E. Siddamma
34. H. Lakshmamma
35. Nagamma
36. Sanjeevamma
37. Yellamma
38. Puttabasava
39. Lingaiah

Versus.

Respondents.

THE MYSORE LAC AND PAINT WORKS, LTD., MYSORE

Petitioners represented by

THE MYSORE LAC AND PAINT WORKS LABOUR ASSOCIATION, MYSORE, AND SRI G. V. RAMACHAR, ADVOCATE.

Respondents represented by 403

SRI A. VENKATESIAH, ADVOCATE.

Complaint Number I of 51-52

in

A.C. No. VI of 51-52.

AWARD.

This is a complaint filed by the Petitioners above-named against the Respondents under Section 33A of the Industrial Disputes Act. The allegations are :—

That the dispute between the petitioners and the respondents were referred to this Tribunal by Order dated 3rd October 1951 under Section 10 (1) (*c*) of the Industrial Disputes Act, 1947. By another Notification dated 3rd October 1951 His Highness the Maharaja of Mysore was pleased to prohibit under Section 10, sub-section (3) of the Industrial Disputes Act, 1947, the continuance of the lock-out in the Mysore Lac and Paint Works, Ltd., Mysore. On 4th October 1951, when the workmen offered themselves for work, the respondents obstructed them from entering into the Factory and refused to allow them to work and have not allowed them even now. The respondents had declared a lock-out within the meaning of Section 2 (1) of the Industrial Disputes Act. The refusal to employ the workmen after 4th October 1951 is illegal since the respondents should have obtained the permission of the Tribunal under Section 33 of the Industrial Disputes Act and since they have not done so the workmen are aggrieved and hence the Complaint.

It is also alleged that the act of the Respondents amounts to an offence under the Industrial Disputes Act and it is also liable to be set aside as being contrary to Section 33 of the Industrial Disputes Act. The prayer is that all the workmen should be employed on their work and should be paid as compensation their wages and dearness allowances from 4th October 1951 till they are employed on their work along with the cost of this application. The workmen who were so locked out are 39 in number.

The Respondents' statement is :

The labour of the works adopted a go-slow policy and continued to do so in spite of advice resulting in serious loss to the Company inasmuch as production fell far below the minimum on all sides ; as decided at a meeting of the Board of Directors held on 29th June 1951, notice was given to the employees of the Company on 2nd July 1951, that unless production was restored to normal within a fortnight, the

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management would be compelled to take serious notice of the decrease in production and to take such measures as they deem fit according to the Standing Orders. On 16th July 1951, when the period of notice expired there was no improvement either in production or in the conduct of labour. At a meeting held on 5th July 1951 of the Labour Association, a resolution was passed touching the said notice that if any action was taken by the management according to Standing Orders, the Association would not be responsible for any disaster that might follow. On 19th July 1951, the belting of one of the Triple Roll Mill had to be changed, the labourers refused to assist the mechanic to put up the belting; one worker Ramu however assisted the mechanic and the labourers assaulted him after 5 P.M. outside the factory premises. The Police were thereupon sent for and they took charge of the situation. On 26th July 1951, in spite of the Chairman of the factory advising the President and other office-bearers of the Labour Association to work properly and intimating to them that if things did not improve within three days, the management would take disciplinary action and in spite of the Commissioner of Labour also advising the President of the Association to take steps to restore normal production, matters did not improve. On the instructions of the Board of Directors, the Chairman of the Company instructed the General Manager on 29th July 1951, to take disciplinary action under the Standing Orders after taking necessary precaution for the safety of the Company's property. The General Manager gave notice to three employees to explain their conduct for not working properly and since no explanation was received till the evening of 11th of August 1951, orders of dismissal were passed on those three employees. On 18th August 1951, the President of the Labour Association requested the General Manager that all the labourers would meet the General Manager at 12 noon to discuss the dismissal order and the latter told him that that order could not be reconsidered and that there was no necessity for the labourers to meet him. In spite of it, all the labourers met him at 12 noon on that day and demanded the restoration to duty of the three dismissed employees or in the alternative that the rest of the employees should be dismissed. On the General Manager telling them that he had no authority to do either, the labourers took a defiant attitude and demanded in violent terms an order before 5 P.M. The same afternoon at 3-15 P.M. all the employees rushed into the General Manager's room and demonstrated a sit-down strike in his office and in spite of the General Manager's advice they continued their behaviour and at 4-35 P.M., a Daffedar of the Police Department came on the scene at the request of the General Manager and witnessed the behaviour of the employees in the General Manager's office. With the help of the Police, the General Manager got the manufactory and the Stores locked out at 5 P.M., and left the premises under police guard. A notice was put up that the Factory had been locked out at 5 P.M. on 18th August 1951. On 20th August 1951 a notice was sent to the President of the Labour Association stating that the Factory had been locked out and the Assistant Commissioner of Labour, the Commissioner of Labour and the Minister for Finance and Industries were informed of the facts. Since no action was taken by any of them, in accordance with a resolution passed by the Board of Directors on 29th September 1951, a notice was put up on 1st of October 1951 to the effect that:

(1) all the employees who struck work on 18th August 1951 were dismissed and no emoluments would be paid to them from the date of strike;

(2) the Factory would resume work from Wednesday, 3rd October 1951, by recruiting fresh labour; and

(3) such of the old employees as were found suitable by the Manager for re-employment would be taken again as fresh entrants provided they expressed regret for having struck work and guaranteed good behaviour and smooth working.

The Company started work accordingly on 3rd October 1951. The order of Government dated 3rd October 1951 referring the dispute to this Tribunal was served on the Management on 6th October 1951. There were no conciliation proceedings nor were there any pending proceedings or a reference even to the Tribunal. The question of reinstatement is not referred to the Tribunal and therefore it is submitted that no complaint is maintainable under Section 33A of the Industrial Disputes Act. It is further submitted that the question as to whether there was an illegal strike or an illegal lock-out has not been declared by Government or referred for adjudication to this Tribunal. On this ground also, the petition is not maintainable. None of the signatories to the application were employees of the Company on the date the Government Order was served on the respondent Company. The applicants were not members of the Association as they had neither paid the subscriptions regularly nor had they discharged the other obligations for continuing their membership. Signatories Nos. 19, 23 and 25 had been dismissed on 11th August 1951 and signatory No. 26 was an orderly in the service of the Company even after 18th August 1951 and voluntarily left the service of the Company during the month of September 1951. Signatory No. 27 had left the service in June 1951. The above stated signatories cannot therefore be complainants in this case.

The petitioners filed a rejoinder to the following effect:—

The decrease in production was made by the management on account of trade reasons and was not due to the workmen concerned. The notice put up on 18th August 1951 was in consequence of the repeated request on the part of the Labour Association to implement the demands made by a notice dated 12th March 1951. The pendency of the dispute has continued from 12th March 1951. The dismissal of three workmen was illegal and that question was not referred for

adjudication. The allegations about the defiant attitude of the employees and their giving two alternatives to the General Manager is false. The notice put up on 18th August 1951 regarding the lock-out did not mention the reasons and in order to rectify it another notice was put up on 20th August 1951 falsely stating that the Factory was closed on account of the strike of the employees. The resolution of the Board of Management passed on 29th September 1951 dismissing all the employees does not bind them and they have continued to be employees under the law on the date of reference to this Tribunal. The said act amounts to unfair labour practice. The management had no power to recruit fresh labour on the date of the reference. The management was under an obligation to obey the Government Order of 3rd October 1951 which prohibited the continuance of the lock-out. The workmen concerned in the dispute had a right of employment on the date of reference and since the management refused to employ them and did not take the permission of the Tribunal for such refusal, it is a clear case of contravention of Section 33 of the Industrial Disputes Act on 3rd October 1951 when the dispute was pending. The fact that the management was served with the order of reference on 6th October 1951 is of no consequence as the commencement of the proceedings before the Tribunal is on the date of reference. The workmen concerned were workmen within the meaning of Section 33 of the Industrial Disputes Act on 3rd October 1951. It is not open to the management to question the membership of the workmen of the Labour Association. It is false that signatory No. 26 left the service voluntarily. The Association however does not press the complaint in respect of signatories 19, 23, 25 and 27.

The management filed documents and has not adduced any oral evidence. The Labour Association has neither filed any documents nor adduced any oral evidence.

Exhibit A is a copy of the notice dated 18th August 1951 put up by the management (in Kanarese) to the effect that from 5 o'clock on 18th Saturday evening, the Factory is closed (lock-out). The workmen of the Factory should not enter the Factory without permission. This is signed by Mr. Ranga Rao, the General Manager and Secretary.

Exhibit B is a copy of the memo put up on the Notice Board in English on 20th August 1951 to the effect that as the employees of the Company struck work from 3-15 P.M. on Saturday the 18th instant, the Factory is locked out with effect from 5 P.M. on Saturday the 18th instant. The employees of the Company are not permitted to enter the Company premises without permission. This is signed by Mr. Ranga Rao, General Manager and Secretary.

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Exhibit C is a notice put up by the management on 1st October 1951, which reads as follows :—

"The employees of the Company are hereby notified that :

(1) All the employees who struck work on the 18th August 1951 are dismissed and no emoluments will be paid to them from the date of strike.

(2) The Factory will resume work from Wednesday the 3rd October 1951, by recruiting fresh labour, and

(3) Such of the old hands as are found suitable by the management for re-employment will be taken again as fresh entrants provided they express regret for having struck work and guarantee good behaviour and smooth working."

There is a note saying that the notice and a Kannada translation of the same were pasted yesterday evening at 4-30 P.M. on the gates of our premises. This notice is initialled by the General Manager and is dated 2nd October 1951.

Exhibit D is a notice of change given by the Labour Association on 12th March 1951, to the General Manager of the Company and its enclosure specifies the demands.

Exhibit E dated 26th March 1951 is the reply given by the management to the notice of change. That copies of Exhibits A, B and C were served on the office-bearers of the Labour Association is evident from the fact that the petitioners have produced copies of them.

With regard to complainant No. 26 the management alleges that he voluntarily left the service in the month of September 1951 and complainant 27 in June 1951 and that the complainants 19, 23 and 25 had been dismissed on 11th August 1951. The Labour Association does not press the complaint so far as complainants Nos. 19, 23, 25 and 27. Their complaint is, therefore, dismissed. So far as complainant No. 26 is concerned, the Labour Association denies the dismissal. No evidence has been adduced by either side on this question and it is unnecessary to call for evidence in the view we take of the complaints.

In the complaint petition filed under Section 33-A, the allegation is that the Government by Order dated 3rd October 1951 prohibited the continuance of the lock-out declared by the management on 18th August 1951; that when the petitioners offered themselves for work on 4th October 1951, the respondents obstructed them from entering the premises of the Factory and refused to allow

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them for work; that refusing to employ the said workmen after 4th October 1951 is illegal; that if the respondents wanted to exclude these workmen from work after 4th October 1951, they should have obtained the permission of the Tribunal under Section 33 of the Industrial Disputes Act and hence there was a contravention of the provision of Section 33 of the Act.

From the statement filed by the management and the rejoinder filed by the Labour Association, the following facts are gathered :—

A notice of change was issued by the Labour Association dated 12th March 1951 containing certain demands—*vide* Exhibit D. A reply to this was given by the management under Exhibit E dated 26th March 1951. After this, according to the management, the labourers were adopting go slow tactics and there was a fall in production. But according to the Labour Association, this attitude on the part of labour is denied and the fall in production was due to the management who effected reduction on account of trade reasons. On the 11th of August 1951, the management dismissed three workmen since these workmen did not explain their conduct for not working properly in spite of notice issued to them. The Labour Association alleges that the reference to the dismissals of these workmen is irrelevant since no reference has been made with regard to these for adjudication. On 18th August 1951 there was a lock-out *vide* Exhibit A. On 20th August 1951, a notice, Exhibit B, was also put up stating that as the employees of the Company struck work from 3-15 P.M. on Saturday the 18th instant, the Factory is locked out from 5 P.M. on Saturday the 18th. On 1st October 1951, the Company put up the notice, Exhibit C, stating that all the employees who struck on 18th August 1951 were dismissed and no emoluments would be paid from the date of strike; that the Factory would resume work from Wednesday the 3rd October 1951 by recruiting fresh men and that such of the old hands as were found suitable by the management for re-employment would be taken again as fresh entrants, provided they expressed regret for having struck work and guaranteed good behaviour and smooth working. That the Labour Association was aware of the notices Exhibits A, B and C is evident from the fact that copies of the notice, Exhibit A and the copies of the translations of Exhibits B and C and marked as Exhibits A-1, B-1 and C-1 are produced by the Labour Association.

The case for the Association stated briefly is :—

that there was a lock-out on 18th August 1951; the Government Order dated 3rd October 1951 prohibited the continuance of the lock-out; the workmen locked out appeared before the management and the management did not allow them to enter the Factory to work there and thus continued the lock-out without the permission of the Tribunal under Section 33 and thus contravened the provisions of that section.

The case for the management is :— 409

that three workmen were dismissed on 11th August 1951 ; that all the employees who struck work on 18th August 1951 were dismissed on 1st October 1951 and that on 1st October 1951 the management notified that the Factory would resume work from 3rd October 1951 by recruiting fresh labour and that therefore the management did not contravene the order of Government prohibiting the continuance of the lock-out, although the Government Order prohibiting such continuance of lock-out was received by the management on 6th October 1951.

It is urged on behalf of the Labour Association that with regard to these dismissed workmen the order of dismissal does not bind them. This matter has not been referred for adjudication and we cannot go into the question as to whether the dismissals were justified or not. Since the dismissals were on 1st October 1951 and the reference to this Tribunal of the industrial disputes on 3rd October 1951, such dismissals do not fall within the provisions of Section 33 of the Industrial Disputes Act and as such this Complaint is not maintainable.

But it is urged on behalf of the complainants by Sri G. V. Ramachar, Advocate, that the expression "workman" as defined in Section 2 (*s*) of the Industrial Disputes Act "includes for the purpose of any proceedings under this Act in relation to an industrial dispute, a workman discharged during that dispute"; that the industrial dispute commenced on 12th March 1951 when the notice of change was given and during the pendency of that dispute the workmen who were dismissed are workmen for the purposes of any proceedings under this Act and therefore these dismissed workmen must be re-employed by the management and the continuance of their non-employment after the Government Order dated 3rd October 1951 amounted to lock-out within the meaning of the definition of lock-out in Section 2 (1) inasmuch as it amounts to a refusal by the employer to continue to employ the complainants when they made themselves available on 4th October 1951 in accordance with the ruling in the case reported in 1939, II, King's Bench Division, page 187.

The expression "for the purpose of any proceedings under this Act" means that the discharged or dismissed workmen are not meant to be re-employed the moment a reference is made by Government and proceedings are

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commenced, but that for the purposes of proceedings under this Act they must be deemed to be workmen, that is, for the purpose of appearing before the Tribunal to conduct their case or of their case being conducted by their representatives. An illustration would make this point clear. Suppose "A" a workman is dismissed by his employer and an industrial dispute is raised and a reference is made to the Tribunal for adjudication with regard to the dismissal, the question for adjudication will then be whether the workman is to be reinstated or not, and if the contention of Mr. Ramachar is to be accepted the workman should be reinstated before the adjudication on the question of dismissal. This, in our opinion, is not a sound contention.

In support of his contention, however, Mr. Ramachar relies upon the views expressed by the Adjudicator Sri Harshidbhai Divatia in the interim award he passed in the matter of a trade dispute between the Empire of India Life Assurance Co., Ltd., Bombay, and its employees, vide *Bombay Labour Gazette*, October 1947, page 187. That was a reference made by the Government of Bombay to the Adjudicator under Ordinance XX of 1946 which was in force at the time the reference was made. Under that Ordinance, the previous Rule 81-A of the Defence of India Rules was continued in operation. Under that rule, the appropriate Government may, for the purpose of public safety, the maintenance of public order, or for maintaining supplies and services essential to the life of the community, make provision for prohibiting a strike or lock-out in connection with a trade dispute and refer any trade dispute for adjudication in the manner provided under the Order. By virtue of this power, the notification was issued directing the Adjudicator for the purpose of adjudicating it, to exercise such powers as were conferred on, and follow such procedure, as was prescribed for a Board of Conciliation under the Trade Disputes Act of 1929 and the Bombay Trade Disputes Rules, 1930. The expression "workmen" in those Rules had the same meaning as defined in the Trade Disputes Act, 1929. Under the provision of Rule 81-A of the Defence of India Rules, the Central Government issued an order which among other things stated as follows :—

"When any or all of the matters of the Trade Dispute have been referred to a Court of Inquiry or a Board of Conciliation under

the Trade Disputes Act, 1929, or for conciliation or adjudication under an order made under Rule 81-A of the Defence of India Rules, no person employed in any undertaking concerned in the dispute shall go or remain on strike and no employer in any undertaking concerned in the dispute shall lock-out or continue to lock-out his employees during the period from the making of the reference until the expiry of 2 months after the completion of the proceedings upon such reference."

In that case the facts are briefly these. There was a notice of demand by the employees of the Insurance Company and there was a strike by the employees during the pendency of the Trade Dispute. The Company discharged all the members of the Trade Union from the Company's service for their rowdy, violent and indecent behaviour during the strike. Thereafter the case was referred for adjudication as stated above. Mr. Divatia was asked by the parties to make an interim award on four demands, *viz.*; (1) notices of discharge served on the members of the Union should be withdrawn; (2) the employees should be paid full salary for the period of the strike; (3) outside persons appointed in the place of the discharged workers should be removed; a fresh demand was included, *viz.*, (*a*) whether any of the employees were discharged during the pendency of the trade dispute; (*b*) if so, whether they should be reinstated and if so, on what terms and conditions; and (*c*) whether any, and if so, what compensation should be paid to them.

The term "workman" is defined in the Trade Disputes Act as meaning "any person employed in any trade or industry to do any skilled or unskilled manual or clerical work for hire or reward and includes for the purposes of any proceedings under this Act in relation to a trade dispute, a workman discharged during that dispute." This definition is similar to the definition of a "workman" in the Industrial Disputes Act, 1947. During the course of the argument the counsel for the company conceded that the workmen discharged during the continuance of the trade dispute continued to be workmen for purposes of the adjudication proceedings and therefore could appear before the adjudicator. At the same time, he contended that as regards the demand for reinstatement, they could not be regarded as workmen, because they had already been discharged by proper notices before the adjudication proceedings began. He based this argument on the ground that under common law, a master was at liberty to discharge a servant whenever he liked after giving a

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proper notice to him and that there was no industrial law which provided to the contrary. In answer to this contention, Mr. Divatia, after pointing out the object of the provisions under the Defence of India Rules stated above, has stated:

"the object of all these emergency provisions is, to my mind, quite clear, *viz.*, not to change the *status quo* between the employers and the workers during the existence of any trade dispute if the dispute is referred to adjudication. The object is that as soon as adjudication order is made either on apprehension of an intended strike or soon after the strike begins, peace should not be disturbed and production should not cease and therefore if there is any strike, it should be called off and the employers should not prevent the workers from resuming work. This object will be clearly defeated if the construction which is sought to be imposed on the definition is accepted. In my opinion workmen continued to be workmen both for the purpose of adjudication as well as for the purpose of disability on their part to strike and on the part of the employers to declare a lock-out. I therefore hold that all the discharge notices which were given during the pendency of the trade dispute have not the effect of terminating the employer-employee relationship between the parties for any purpose.

"It is quite true that even during the pendency of an industrial dispute it would be open to an employer to discharge the worker for any reason which is not connected with the trade dispute, *e.g.*, if the worker is disobedient or is guilty for gross misconduct, or habitual negligence, he would be liable to be discharged, but no discharge or victimisation can be made for any reason which is connected with the trade dispute itself."

It will be seen that the view of Mr. Divatia is that it is only the relationship of the employer-employee with regard to a workman discharged during the trade dispute that exists and not that the discharged employee is automatically restored in his appointment the moment a reference is made of the trade dispute. That that was his view is clear from the fact that the reference made to him under the fresh demand stated above was whether the employees were discharged during the continuance of the trade dispute and if so whether they should be reinstated. If according to his view they were to be automatically reinstated, there was no necessity for him to adjudicate on that point. In fact his opinion in that case on the fresh demand was that the discharged employees were not entitled to immediate reinstatement, *see* page 218 of the report in para 23. In this view, we agree with the opinion of Mr. Divatia with regard to the definition of "workman" in the Industrial Disputes Act, *viz.*, that when an industrial dispute is referred for

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adjudication to a Tribunal the discharged workman is to be deemed to be a workman for the purpose of the adjudication proceedings and also for a claim to reinstatement, but not as is contended before us that the discharged workman is automatically restored the moment a reference is made to the Tribunal.

In this case therefore, the discharged workmen have a right to appear before us in the adjudication proceedings, but also to claim reinstatement if they had proper grounds to do so. But there is no reference made to us with regard to their discharge or for their reinstatement. This decision does not therefore support the contention of Mr. Ramachar.

As we have already stated according to the allegations in the complaint, the case of the complainants is that the continuance of lock-out after 3rd October 1951 the date of the Government Order and the refusal of the management to take back these workmen to allow them to enter the Factory was in contravention of the Government Order. It is also alleged in the complaint that if the management wanted to exclude these workmen after 4th October 1951 the management should have obtained the permission of the Tribunal under Section 33 of the Industrial Disputes Act. The question then is whether such permission was necessary under Section 33 of the Industrial Disputes Act, even if the conduct of the management amounted to lock-out of the complainants after 3rd October 1951, the date of the Government Order, prohibiting the continuance of the lock-out. In the case reported in *Labour Law Journal*, 1951, Volume II, page 344, their Lordships of the Appellate Tribunal have held that clause (*b*) of Section 33 is not contravened by the Company by declaring a lock-out and that clause (*a*) is not attracted by the fact of lock-out. Their Lordships have said :

"for the purpose of considering the question whether Section 33 has been contravened by the employer, the question whether a lock-out is illegal or is not, in our opinion, relevant. If it was illegal the penalty is provided for in Section 26 of the Act. The question is whether the lock-out had (1) in fact altered the conditions of service of the workmen to their prejudice, or (2) had the effect of discharge, or (3) amounted to punishment of the workmen. It has not the effect of discharge, for a lock-out does not automatically terminate the services of the workmen. It does not also amount to punishment, for punishment presupposes any offence or misconduct. Lock-out is generally adopted as a security measure and may in certain cases be used

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as a weapon corresponding to what the employees have in the shape of strike. We therefore hold in agreement with the Tribunal that clause (*b*) of Section 33 has not been contravened by the Company by declaring the lock-out.

"The next point for consideration is whether the lock-out contravenes clause (1) of that section. We have already said that the services of employees locked out are not automatically terminated by a lock-out. The question is whether any of the conditions of their service are altered thereby to their prejudice. The contention of the Union is that they are because those employees do not in fact get their pay during the period of lock-out with the possibility of losing it. In our opinion the conditions of their service would be altered by a lock-out if they lose their right to receive their pay during the period of lock-out in all circumstances. But the question whether they would be entitled to get pay during that period cannot be postulated with certainty, for that would depend upon a variety of considerations. In our opinion to bring a case within clause (*a*) of Section 33 the questioned act of the employer must directly and in fact alter the conditions of service to the prejudice of the workman or workmen concerned that is to say the moment the lock-out was declared. The possibility that they may or they may not get their pay means that the lock-out may or may not alter the conditions of their service to their prejudice. Thus, clause (*a*) would not be attracted by the fact of a lock-out. We accordingly hold that the decision of the Tribunal on the preliminary objection is right".

According to this ruling of the Appellate Tribunal, no permission is necessary under Section 33 of the Industrial Disputes Act for declaring a lock-out.

From the facts of this case stated above, we have already found that the lock-out had ceased even prior to the Government Order prohibiting the continuance of the lock-out and even if there was a lock-out after 3rd October 1951, the provisions of Section 33 of the Act do not apply and therefore this Complaint under Section 33-A is not maintainable.

NOTIFICATION.

No. L.S. 4757—L.W. 162-51-13, dated Bangalore, 27th February 1952.

Whereas under Section 33-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Channiah and thirty-eight other employees of the Mysore Lac and Paint Works, Ltd., Mysore, to the Industrial Tribunal, Bangalore, constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951, to the effect that

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the Management of the said Factory has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said award be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

4 10.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 13292—Ml. 82-51-18, dated Bangalore, 19th February 1952.

In exercise of the powers conferred by Section 48 (1) (j) read with Section 66 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following model bye-laws for the numbering and registration of vehicles liable to taxation in the Town Municipalities in the State :—

BYE-LAWS FOR THE NUMBERING AND REGISTRATION OF VEHICLES IN TOWN MUNICIPALITIES.

1. Any person who is the owner of a carriage, bicycle or tricycle liable to taxation in the Municipality shall register such carriage, bicycle or tricycle at the Municipal Office within thirty days of these bye-laws coming into force, or within thirty days of his newly coming into possession of such carriage, bicycle or tricycle. He shall also, when he continues to be in possession of such carriage, bicycle or tricycle renew the registration at the said office either for the half year within thirty days from 1st April or thirty-one days from 1st October or for a year within thirty days from 1st April each year.

Explanation No. 1 :—'OWNER' in these bye-laws includes the person in charge of possession for the time being of the carriage, bicycle or tricycle.

Explanation No. 2 :—'Carriage' means any wheeled vehicle drawn by a horse, bullock or other animal or pushed or pulled by a man, but does not include tricycles constructed for use by children below the age of twelve years and perambulators.

2. The above registration shall be made on payment of the yearly or half yearly tax on such carriage, bicycle

or tricycle as prescribed under the rules in force in the Municipality.

3. A disc bearing the register number shall be issued free of cost, to each carriage, bicycle or tricycle thus registered. In the event of the disc being lost, a duplicate will be issued on payment of a fee of annas eight. In the case of carriages, the numbers will be painted prominently thereon.

4. No carriage, bicycle or tricycle thus registered shall be used without its number disc being conspicuously attached to it or the number being prominently painted thereon.

5. Any person who contravenes any of the foregoing bye-laws shall, on conviction before a Magistrate, be punishable with a fine which may extend to Rupees fifty.

By Order of His Highness the Maharaja,

No. T. 7296—R.T. 73-51-8, dated Bangalore, 20th February 1952.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to direct that the motor vehicle bearing engine No. T. 178-10242 and Chassis No. 80071744 belonging to Sri A. R. Murthy, Walton Road, Bangalore, be exempted from the operation of Rule 319 of the said Rules, subject to the condition that the overhang of the vehicle does not exceed 49 per cent of the wheel base.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. M. 20116—A.C. 13-51-2, dated Bangalore, 25th February 1952.

In exercise of the powers conferred by sub-section (1) of Section 8 of the Prevention of Corruption Act, 1948 (Mysore Act No. XLIII of 1948), His Highness the Maharaja of Mysore is pleased to authorise the Special

Officer for Anti-Corruption Measures, as the Officer who can require any person who has been or is a public servant to furnish the particulars referred to in the said sub-section.

By Order of His Highness the Maharaja,

No. M. 20217—A.C. 13-51-4, dated Bangalore, 25th February 1952.

In exercise of the powers conferred by sub-section (1) of Section 9, of the Prevention of Corruption Act of 1948 (Mysore Act No. XLIII of 1948), His Highness the Maharaja of Mysore is pleased to empower the Special Officer for Anti-Corruption Measures as the Officer who can call upon any person whatsoever to furnish the particulars referred to in the said sub-section.

By Order of His Highness the Maharaja,

No. M 20318—A.C. 13-51-6, dated Bangalore, 25th February 1952.

In exercise of the powers conferred by sub-section (1) of Section 10 of the Prevention of Corruption Act, 1948 (Mysore Act XLIII of 1948), His Highness the Maharaja of Mysore is pleased to appoint Sri K. Henjerappa, B.A., B.L., as the Special Officer for Anti-Corruption Measures, and is pleased to confer on him all the powers of a Deputy Commissioner of a District, under the Mysore Police Act, 1908, and the rules made thereunder relating to the appointment, leave, transfer, punishment, control and discipline in respect of the Police Officers working under him.

By Order of His Highness the Maharaja,

No. M. 20319—Ac. 13-51-7, dated Bangalore, the 25th February 1952.

In exercise of the powers conferred by sub-section 2 of Section 10 of the Prevention of Corruption Act, 1948 (Mysore Act No. XLIII of 1948), His Highness the Maharaja of Mysore is pleased to appoint the undermentioned Police Officers at present working in the Anti-Corruption

Branch, to work under the Special Officer, Anti-Corruption Measures, appointed under Section 10, sub-section (1) of the same Act, and is further pleased to confer on the said Police Officers all the powers which Police Officers of corresponding rank have under the Mysore Police Act, 1908, and the rules thereunder :—

	Names of Officers	*Rank*	
	Sriyuths—		
1	A P Rathnarajiah, B.A., LL.B.	District Superintendent of Police	
2	P S Narasimhachar, B.A. ...	Do	
3	B P Revanna, B.A. ...	Assistant Superintendent of Police	
4	B N Puttaswamy, B.Sc., LL.B.	Inspector of Police	
5	B Maregowda, B.A.	Do	
6	N Chowdappa, M.Sc.	Do	
7	S Kariappa, B.A.	Do	
8	V V Sreenivasachar, B.Sc., B.L.	Do	
9	G P Settappa, B.A. ...	Do	
10	G R Vittal Rao ...	Sub-Inspector of Police	
11	D Subba Rao, B.Sc.	Do	
12	K R Rajanna Setty ...	Do	
13	K L Singh ...	Do	
14	B N Mahadeviah ...	Do	
15	G Subramanyam	Do	
16	B Ramiah, B.Sc. ...	Do	
17	K V Siddaramiah	Do	
18	H R Hanumegowda, B.A.	Do	
19	Janab A Rahman Sharif	Do	
20	R S Ranga swamy	Do	
21	S Siddappa	Do	
22	C H Pranesha Rao ...	Police Daffedar	
23	B V Venkata Rao ...	Do	
24	K P Balakrishnan ...	Do	
25	B S Subba Jetty	Do	
26	Hanumanthiah ...	Police Constable	No 53
27	Boriah ...	Do	268
28	Thammiah ...	Do	683
29	S Narayana Rao ...	Do	542
30	Kengiah ...	Do	47
31	Gundu Rao	Do	570
32	Narayanappa ...	Do	578
33	Meliah ...	Do	742
34	Louis Joseph ...	Do	526
35	Changal Raju ...	Do	661
36	H V Venkataswamiah ...	Do	902
37	Raja Rao Mahadik	Do	811
38	Thammiah	Do	589
39	Thirumaliah	Do	607
40	B M Rangiah ...	Do	829
41	Sikunni Nayar ...	Do	1231
42	Anke Gowda	Do	1268

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	Names of Officers		Rank	
43	Gurulingiah	...	Police Constable	No. 164
44	Thimmiah	...	Do	132
45	Kayalappa	...	Do	521
46	Thimma Gangiah	...	Do	1277
47	Thimmiah	...	Do	323
48	Siddiah	...	Do	356
49	Jadiah	...	Do	403
50	Puttaswamiah	...	Do	602
51	G Sathyanarayana Rao	...	Do	350
52	Gulappa	...	Do	477
53	Rangappa	...	Do	620

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,

Secretary to Government,
Education Department.

No. Fl. 6916—S.T. 26-51-3, dated Bangalore, 19th February 1952.

In exercise of the powers conferred by Section 25 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Sales-Tax Rules, 1948, the draft amendment having been previously published in the *Mysore Gazette*, dated the 18th October 1951, as required by sub-section (1) of the said section :—

AMENDMENT.

In the Mysore Sales-Tax Rules, 1948, in rule 11 after sub-rule (7) the following sub-rule shall be inserted, namely :—

" (7-a) Where contrary to the provisions of clause (1) or (2) of Article 286 of the Constitution of India, a registered dealer has collected amounts by way of tax or taxes,—

(i) if the amount has been credited to Government, the assessing authority shall refund such amount to such dealer with the direction that the said dealer shall refund it to the respective persons from whom he collected the tax or taxes within a period of three months from the date of refund of such amount ;

(ii) if the amount has not been credited to Government, such dealer may, with the permission of the assessing authority, refund such amount to the respective persons from whom he collected the tax or taxes within a period of three months from the date of permission of the assessing authority.

In all cases of refund under clause (i) or (ii), the registered dealer shall furnish proof to the satisfaction of the assessing authority that the refunds have actually been made by him to the persons from whom the amount was collected as tax or taxes. In the absence of such proof being furnished within the period of three months specified above, the assessing authority shall issue a notice to such dealer to credit such amount to Government, and on default to credit the amount accordingly, such amount shall be recoverable under sub-section (2) of Section 11.

The assessing authority may, in the case of any registered dealer, from time to time, extend the period of three months, specified in this sub-rule by such period not exceeding one year in the aggregate."

This sub-rule shall remain in force for a period of one year from the first day of October 1951.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

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(EXTRAORDINARY)

BANGALORE, TUESDAY, MARCH 4, 1952.

PART IV.

Section I-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 17777—Eln. 175-51-1, dated Bangalore, 4th March 1952.

Ordered that the accompanying Notification No. 39/12/52-Elec. III (1), dated the 4th March 1952, issued by the Election Commission, India, designating the Returning Officer for the election by the elected members of the Mysore Legislative Assembly to fill seats in the Council of States, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA.

New Delhi-1, the 4th March 1952.

NOTIFICATION.

No. 39/12/52-Elec. III (I).—In exercise of the powers conferred by Section 21 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission, in consultation with the Government of Mysore hereby designates the Secretary, Mysore Legislature, to be the Returning Officer for the election by the elected members of the Legislative Assembly of the State to fill the seats allotted to that State in the Council of States.

P. S. SUBRAMANIAN,
Secretary.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

ELECTION COMMISSION, INDIA.

New Delhi-1, *the* 28*th February* 1952.

NOTIFICATION.

No. 47-7-51—Elec. III. In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission, in consultation with the Government of Mysore, hereby designates the Secretary, Mysore Legislature, to be the Returning Officer for the election by the members of the Legislative Assembly of the State to fill seats in the Legislative Council of that State.

P. S. SUBRAMANIAN,
Secretary.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2240/Legis. 11-51-13, dated Bangalore, 3rd March 1952.

Ordered that the Constitution (Removal of Difficulties) Order No. IX (C. O. 38), published in the *Gazette of India*, Part II, Section 3, dated the 19th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 19th February 1952.

S.R.O. 289. The following Order made by the President is published for general information :—

C.O. 38.

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. IX.

In exercise of the powers conferred by clause (1) of Article 392 of the Constitution of India, the President is pleased to make the following order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. IX.

(2) It shall be deemed to have come into force on the 7th day of November 1951.

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2. For the period of eight years from the 7th day of November 1951, the second Schedule to the Constitution of India shall have effect subject to the following adaptation, namely :—

" For sub-paragraph (3) of paragraph 9, the following sub-paragraph shall be substituted, namely :—

'(3) Nothing in sub-paragraph (2) of this paragraph shall apply to a Judge who, immediately before the commencement of this Constitution, was holding office as a Judge of the Federal Court and has on such commencement become a Judge of the Supreme Court under clause (1) of Article 374, during the period he holds office as a Judge, other than the Chief Justice of that Court; and every such Judge shall, in respect of time spent on actual service as a Judge other than the Chief Justice, or if appointed to be, or to act as, Chief Justice, in respect of time spent on actual service as such Chief Justice, be entitled to receive, in addition to the salary specified in sub-paragraph (1) of this paragraph, as special pay an amount equivalent to the difference between the salary so specified and the salary payable to him as a Judge of the Federal Court immediately before the commencement of this Constitution.'."

3. Sub-paragraph (1) of paragraph 2 of the Constitution (Removal of Difficulties) Order No. IV shall be omitted.

[No. F. 74(1)/50-C.]

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1100—Legis. 5-51-42, dated Bangalore, 20th September 1951.

Ordered that Notification No. S.R.O. 1232, dated the 8th August 1951, of the Ministry of Home Affairs—The Indian Arms Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 18th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi 2, the 8th August 1951.

S.R.O. 1232.—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), and in supersession of the Indian Arms Rules, 1924, published with the notification of the Government of India in the late Home Department No. F. 829-I-22, dated the 3rd November 1923, the Central Government hereby makes the following rules :—

1. **Short title and extent.**—(1) These rules may be called the Indian Arms Rules, 1951.

(2) They extend to the whole of India except Part B States.

2. **Interpretation.**—(1) In these rules, unless there is anything repugnant in the subject or context—

"District Magistrate" includes, in the case of the suburbs of Calcutta, any District Magistrate as defined in the Government of Bengal Notification, dated the 21st September 1880 and the Commissioner of Police, Calcutta, and in cases where the Central Government so directs, in respect of any district or part thereof, an Additional District Maistrate; "Form" means a Form as set out in Schedule VIII; "the Act" means the Indian Arms Act, 1878 (XI of 1878); and "Political Agent" means the principal officer, by whatever name called, representing the Central Government in any territory or place outside India.

(2) The General Clauses Act, 1897 (X of 1897), shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purposes of the interpretation of a Central Act.

APPLICATION OF THE ACT.

3. **Exemption, exclusion and withdrawal.**—(1) The persons and classes of persons, the arms and ammunition, and the areas in Part A Sates and Part C States specified or described in Schedules I to IV are, respectively, exempted, excluded and withdrawn to the extent and subject to the conditions therein specified from the operation of prohibitions and directions contained in the Act:

Provided that the exemptions specified in Schedule I are made subject to the following conditions, namely:—

(*a*) they shall not be deemed to render lawful the import of arms or ammunition through the medium of the Post Office;

(*b*) save in the case of persons included in entry 2 of the said Schedule, any person so exempted shall register, in such manner as the Central Government may prescribe, any fire arm or ammunition for the same in respect of which he is exempted from the operation of any provision of the Act;

(*c*) every person shall, on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest police-station; and

(*d*) the Central Government may, by notification in the Official Gazette, direct that any such exemption conferred on a class of persons shall cease to extend to any person included in that class who may be named in the notification.

(2) Any person failing to comply with any condition of exemption set out in provisos (*b*) and (*c*) to sub-rule (1) shall be deemed to have violated these rules.

4. *Extension.*—For the purposes of the definition of "military stores" in section 4 of the Act, all sections of the Act are extended to all Part A States and Part C States in relation to all—

(*i*) lead, sulphur, saltpetre and sodium azide,

(*ii*) chlorates, and perchlorates,

(*iii*) asphyxiating, poisonous, irritant or other gases and analogous liquids, materials or devices which are not used in any *bona fide* industrial process in India.

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5. **Restriction upon import of cannon and certain other articles.**—

(1) A licence in Form I for the import of—

(*a*) cannon,
(*b*) articles designed for torpedo service,
(*c*) war-rockets,
(*d*) machinery for the manufacture of arms or ammunition,
(*e*) continuous fire fire-arms, or
(*f*) anti-tank rifles

may be granted only by the Central Government.

(2) A copy of every licence granted in accordance with sub-rule (1) shall forthwith be sent—

(*a*) where the articles are consigned to a Presidency town—to the Commissioner of Police, or

(*b*) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

6. **Restriction upon import of arms, ammunition and military stores from Portuguese India.**—A licence shall not be granted for the import of any arms, ammunition or military stores from Portuguese India :

Provided that nothing in this rule shall be deemed to limit or otherwise affect any power conferred by these rules to grant a licence for the import of ammunition which, in the opinion of the authority granting the licence, is intended in good faith for blasting purposes.

7. **Restriction upon import of certain fire-arms.**—A licence shall not be granted for the import—

(*a*) (*i*) of rifles of ·303 bore or of muskets of ·410 bore or of parts of, or fittings for, rifles or muskets of such bores or, save as otherwise provided by Rule 36, of ammunition which can be fired from such rifles or muskets ; or

(*ii*) of rifles of any other bore containing the following components capable of use in rifles of ·303 bore, namely, actions, breech blocks, breech bolts, bodies, magazine cases, cocking pieces and breech bolt heads ; or

(*iii*) of pistols or revolvers of ·441, ·455 or any intermediate bore or of ·38 bore or 9 mm calibre or of parts of, or fittings for, pistols or revolvers of such bores ; or save as otherwise provided by Rule 36, of ammunition which can be fired from such pistols or revolvers; or

(*iv*) of appliances the object of which is the silencing of fire-arms ; or

(*b*) of any arms or ammunition through the medium of the Post Office.

8. **Import of arms, ammunition or military stores into certain ports and airports.**— Save as otherwise provided by Rules 5 to 7, a licence in Form II may be granted for the import by sea and air—

(*a*) of arms, ammunition or military stores, at a Presidency-town—by the Commissioner of Police ;

(*b*) of arms, ammunition or military stores, at the ports of Kozhikode, Cochin, Tuticorin and Port Blair—by the District Magistrate of the district in which the port in situated;

(*c*) of sulphur in reasonable quantities, at the port of Tuticorin and Kakinada —by the Board of Revenue in Madras on satisfactory proof that the sulphur is required in good faith for medicinal, manufacturiug or agricultural purposes.

9. **Import of arms, ammunition or military stores by sea from Madras or Bombay into certain ports.**—Save as otherwise provided by Rules 5 to 7, a licence in Form II for the import by sea, of arms, ammunition or military stores—

(*a*) from the port of Madras, into the ports of Tuticorin, Bheemunipatnam, Kakinada, Nagapattinam, Mangalore, Gopalpore, Visakhapatnam, Pamban, or Masulipatam, or

(*b*) from the port of Bombay into the ports of Mangalore and Tuticorin,

may be granted by the District Magistrate of the district in which the port of import is situated.

10. **Import by land or river, of arms, ammunition or military stores.**—(1) Save as otherwise provided by Rules 5 to 7, a licence in Form III for the import, by land or river, of arms, ammunition or military stores may be granted—

(*a*) where the arms, ammunition or stores are consigned to a Presidency-town—by the Commissioner of Police, or

(*b*) where they are consigned to any other place—by the District Magistrate of the district in which such place is situated.

(2) Such a licence may also be granted for the import of arms which—

(*a*) belong to any person who resides in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin and is exempted under Schedule I from the necessity of taking out a licence for going armed with, or for possessing, such arms, and

(*b*) are imported solely for the purpose of repair, by the Chief Secretary to the Government of the State concerned; and such licence shall also cover the re-export of such arms to the State from which they were imported.

(3) Where the arms, ammunition or stores are imported from any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin otherwise than under sub-rule (2), a copy of the licence shall forthwith be sent to the Chief Secretary to the Government of the State concerned.

(4) Where the arms, ammunition or stores are imported by road or river and are consigned to a district not on the frontier of India, a copy of the licence shall forthwith be sent to the District Magistrate of the district into which they cross such frontier; and such Magistrate may, in his discretion, require the licencee to produce them for his inspection before allowing them to be taken out of the district.

(5) Where the arms, ammunition or stores are imported by rail, a copy of the licence shall forthwith be sent by the authority granting it to the railway authorities at the place to which such arms, ammunition or stores, are consigned.

11. **Scrutiny by railway authorities of consignments.**—(1) The railway authorities to whom a copy of a licence has been sent under sub-rule (5) of Rule 10 shall require the consignee to produce the original licence and shall satisfy themselves—

(*a*) that the arms, ammunition or stores claimed by him correspond with the description given in such licence, and

(*b*) that such licence is identical in substance with the copy sent to them.

(2) Where, in any case referred to in sub-rule (1)—

(*a*) the consignee fails to produce the original licence, or

(*b*) the arms, ammunition or stores claimed by him do not correspond with the description given in such licence, or

(*c*) the licence is not identical in substance with the copy sent to the railway authorities,

such authorities shall not deliver the consignment and shall forthwith inform the nearest Magistrate.

12. **Production and delivery of import licences.**—(1) The consignee of arms, ammunition or military stores imported under a licence shall—

(*a*) where the consignment crosses the frontier by land or river, produce the licence within six days of such crossing before the District Magistrate of the district into which the consignment so crosses, or before such other officer as the District Magistrate may appoint in that behalf; and

(*b*) in any case in which the consignment is imported by land or river, deliver the licence within six days of the arrival of such consignment at its destination—

(*i*) in a Presidency-town—to the Commissioner of Police,

Or

(*ii*) in any other place—to the District Magistrate of the district in which such place is situated.

(2) Every officer before whom a licence is produced or to whom a licence is delivered under sub-rule (1) shall satisfy himself—

(*a*) that the arms, ammunition or stores correspond with the description given in the licence; and

(*b*) that any deficiency is properly accounted for.

EXPORT.

13. **Restriction upon export by sea of cannon and certain rifles.**—(1) A licence in Form IV or Form V for the export of—

(*a*) cannon, or

(*b*) rifles, or parts of, or fittings for rifles,

may be granted only by, or with the previous sanction of the Central Government:

Provided that nothing in this rule shall be deemed to limit or otherwise affect any power conferred by these rules to grant a licence for the export of rifles, or parts of or fittings for rifles, which, in the opinion of the authority granting the licence, are intended in good faith for sporting purposes.

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14. **Export by sea, of arms, ammunition or military stores from and to certain ports.**—(1) Subject to the provisions of Rule 13, a licence in Form IV for the export by sea, of arms, ammunition or military stores may be granted—

(*a*) at a Presidency-town—by the Commissioner of Police, or

(*b*) at the port of Kozhikode, Dhanushkodi, Tuticorin or Cochin—by the District Magistrate of the district in which the port is situated, or

(*c*) by the Central Government in the case of arms and ammunition forming part of the estates of deceased or insane persons who were or are subject to the Indian Navy (Discipline) Act, 1934, or whose estates are dealt with under the Army and Air Force (Disposal of Private Property) Act, 1950 (XL of 1950), where such arms or ammunition are to be sent to wives, widows, legal representatives or next-of-kin of such deceased or insane persons.

(2) Every licence granted under sub-rule (1) shall be for export either—

(*a*) to such one of the ports specified in clause (*a*) or clause (*b*) of sub-rule (1), or

(*b*) in the case of export from the port of Madras to such one of the ports mentioned in clause (*a*) of Rule 9, or

(*c*) in the case of export from the port of Bombay to such one of the ports mentioned in clause (*b*) of Rule 9, or

(*d*) to such other place in the Commonwealth, as may be specified or described in the licence.

(3) A copy of every licence of the nature referred to in clauses (*a*), (*b*) and (*c*) of sub-rule (2) shall forthwith be sent—

(*a*) where the arms, ammunition or stores are consigned to a Presidency-town —to the Commissioner of Police, or

(*b*) where they are consigned to any other place—to the the District Magistrate of the district in which such place is situated.

15. **Export by sea of arms, ammunition or military stores from certain ports to ports in Part B States or to foreign territory.**—(1) (*a*) A licence for the export by sea of arms, ammunition or military stores from any of the ports of Madras, Bombay, Calcutta, Kozhikode, or Cochin to any port in a Part B State or to other foreign territory may be granted in Form V by the Central Government;

(*b*) A licence for the export by sea of arms (other than arms in respect of which the restriction imposed by Rule 13 applies) ammunition or military stores may be granted in Form V by any of the officers specified in the first column of Schedule V when the arms, ammunition or stores are to be exported from a port specified in the corresponding entry of the second column to a port specified in the corresponding entry of the third column thereof, subject in each case to the conditions specified in the fourth column.

(2) A copy of every licence issued under this rule for the export of arms, ammunition or military stores to any port in a Part B State shall forthwith be sent by the authority granting it to the Chief Secretary to the Government of the State concerned.

(3) The authority granting a licence under this rule shall also send a copy of such licence to the agent or master of the vessel by which it is intended that the arms, ammunition or military stores covered by the licence shall be shipped, and such agent or master shall not receive for despatch any case or package containing

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arms, ammunition or military stores unless such case or package is accompanied by the original licence, and shall satisfy himself—

(*a*) that the arms, ammunition or stores, correspond with the description given in such licence, and

(*b*) that such licence is identical in substance with the copy sent to him.

(4) Where in any case referred to in sub-rule (3)—

(*a*) the case or package is not accompanied by the original licence, or

(*b*) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(*c*) the licence is not identical in substance with the copy sent to him, such agent or master shall not receive the consignment for despatch, and shall forthwith inform the nearest Magistrate.

16 **Export by land or river of arms, ammunition or military stores.**—(1) A licence in Form VI for the export by land or river of arms, ammunition or military stores to any place outside Part A States and Part C States may be granted—

(*a*) by the Central Government, or

(*b*) by any of the officers specified in the first column of Schedule VI when the arms, ammunition or stores are to be exported to a place specified in the corresponding entry of the second column subject in each case to the conditions specified in the third column.

(2) A licence for the export by land or river of arms, ammunition or military stores to a Part B State may be granted by such officer as may be empowered by the Central Government in that behalf.

(3) Where any arms, ammunition or stores are exported to any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin under a licence granted under this rule by an authority other than the Chief Secretary of the State concerned, a copy of such licence shall forthwith be sent to Chief Secretary to the Government of the State concerned.

(4) Where the arms, ammunition or stores are exported by road or river a copy of the licence shall forthwith be sent to the District Magistrate of the district out of which they cross the frontier of India; and such Magistrate, may, in his discretion, require the licensee to produce them for his inspection before allowing them to leave the district.

(5) (*a*) Where the arms, ammunition or stores are exported by rail, a copy of the licence shall forthwith be sent by the authority granting it,—

(*i*) in the case of a consignment despatched from a Presidency-town—to the Commissioner of Police, and (*ii*) in all other cases—to the District Magistrate of the district from which the consignment is to be despatched.

(*b*) The Commissioner of Police or District Magistrate shall forthwith send a copy to the railway authorities at the place from which the consignment is to be despatched; and the railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence, and shall satisfy themselves—

(*i*) that the arms, ammunition or stores correspond with the description given in such licence, and

(*ii*) that such licence is identical in substance with the copy sent to them.

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(c) Where in any case referred to in clause (b)—(i) the case or package is not accompanied by the original licence, or

(ii) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(iii) the licence is not identical in substance with the copy sent to them, such authorities shall not receive the consignment for despatch, and shall fothwith inform the nearest Magistrate.

17. **Delivery of export licences.**—(1) Where any arms, ammunition or military stores are exported by road or river, the licence shall, within six days of the arrival of the consignment in the district out of which it is to cross the frontier and before it so crosses, be delivered to the District Magistrate of such district, or to such other officer as the District Magistrate may appoint for this purpose.

(2) Every officer, to whom a licence is delivered under sub-rule (1), shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in the licence, and

(b) that any dificiency is properly accounted for.

IMPORT AND RE-EXPORT.

18. **Import and re-export by sea of arms, ammunition or military stores**—Where a vessel bound for a port other than a port in a Part A State or a Part C State calls at any port in a Part A State or a Part C State in the course of its voyage, and there remains for a period exceeding forty-eight hours, any arms, ammunition or military stores in the possession of any passenger not exempted from liability to take out a licence in respect of such possession shall be delivered by him to the Customs-collector, to be detained until the departure by sea of such passenger, and it shall not be necessary for such passenger to take out any licence in respect of arms, ammunition or military stores so delivered and detained.

TRANSPORT.

19. **Prohibition of transport of arms, ammunition or military stores otherwise than under licence.**—(1) Save as herein otherwise provided, the transport of arms, ammunition or military stores is prohibited except under a licence and to the extent and in the manner permitted by such licence.

(2) Nothing in sub-rule (1) shall be deemed to apply—

(a) to arms and ammunition transported personally or as personal luggage, in reasonable quantities for his own use by any person lawfully entitled to posses arms or go armed ;

or

Subject to the provisions of Rule 37 and save in the case of arms or ammunition consigned to any place in the State of Ajmer from outside the State,

(b) to arms, ammunition or military stores which are covered by a licence for their export or import and are being transported by a licensed dealer in accordance with such licence—

(i) from the place of despatch in a Part A State or a Part C State to the port or other place of export or from the port or other place of import to the place of destination ; or

(ii) by transhipment in the port of import for re-export by sea ; or

(c) to arms, ammunition or military stores transported— 434

(i) by any person licensed to possess such articles or exempted from the liability to obtain such licence, where such articles are transported in reasonable quantities for his own use from the premises of a licensed dealer, or are transported for purposes of examination or repair to or from any such premises or are transported to any other person so licensed or exempted as aforesaid ;

(ii) by a licensed dealer, where such articles are transported in a case or package legibly addressed to such a person as is referred to in sub-clause (i), in compliance with an order given by such person for the supply of such articles in reasonable quantities for his own use; or

(d) to chlorates transported for *bona fide* industrial, agricultural and medicinal purposes.

20. **Restriction upon transport of cannon and certain other articles.**—(1) A licence in Form I for the transport of—

(a) cannon,
(b) articles designed for torpedo service,
(c) war-rockets, or
(d) machinery for the manufacture of arms or ammunition,

may be granted only by the Central Government.

(2) A copy of every licence granted in accordance with sub-rule 1 shall forthwith be sent—

(a) where the articles are consigned to a Presidency-town—to the Commissioner of Police, or
(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

21. **Transport of arms, ammunition or military stores.**—(1) Save as otherwise provided by Rule 20, and subject to the provisions of sub-rule (2) of Rule 37, a licence in Form VII for the transport of arms, ammunition or military stores may be granted—

(a) where the arms, ammunition or stores are consigned from a Presidency-town—by the Commissioner of Police ;
(b) where they are consigned from any other place—by the District Magistrate of the district in which such place is situated ;

(2) A copy of every licence granted under sub-rule (1) for transport beyond the local limits of the authority of the officer granting it shall forthwith be sent—

(a) where the arms, ammunition or stores are consigned to a Presidency-town —to the Commissioner of Police, or
(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

(3) A copy of every licence granted under sub-rule (1) by a District Magistrate for transport within the limits of his district shall forthwith be sent to the subordinate Magistrate (if any) having authority at the place to which the arms, ammunition or stores are consigned.

(4) Where the arms, ammunition or stores are transported by rail, a copy of the licence shall be attached to the way-bill or invoice, as the case may be, and

telegraphic advice of every such consignment shall be sent by the railway authorities from the forwarding to the receiving station; and the consignment shall not be taken from the railway premises unless the railway police, or, if there are no railway police, the railway authorities, have satisfied themselves that the arms, ammunition or stores correspond with the description given in the licence.

22. **Delivery of transport licences.**—(1) The consignee of any arms, ammunition or military stores transported by land, or river under a licence shall deliver the licence within six days of the arrival of the consignment at its destination—

(*a*) in a Presidency-town—to the Commissioner of Police; or

(*b*) in any other place—to the District Magistrate of the District in which the place of destination is situated, or to such other Magistrate as the District Magistrate may appoint in that behalf.

(2) Any officer to whom a licence is delivered under under-rule (1) shall satisfy himself—

(*a*) that the arms, ammunition or military stores correspond with the description given in the licence, and

(*b*) that any deficiency is properly accounted for, and any subordinate Magistrate, to whom a licence is delivered under clause (*b*) of that sub-rule, shall forward it to the District Magistrate.

IMPORT, TRANSPORT AND RE-EXPORT.

23. **Licence for import, transport and re-export of arms, ammunition and military stores.**—(1) Save as otherwise provided by Rules, 5, 7 and 20, a comprehensive licence in Form VIII for the import of arms, ammunition or military stores and for their re-export may be granted—

(*a*) where the arms, ammunition or stores are consigned from one of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin to another such State separated therefrom by the territory of a Part A State or Part C State—by the Chief Secretary to the Government of either State concerned.

(*b*) where they are consigned from any place in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin to any other place in the same State separated therefrom by the territory of a Part A State or Part C State—by the Chief Secretary to the Government of the State concerned.

(2) (*a*) Where under the authority of the licence granted under sub-rule (1), the arms, ammunition or stores are to be transported across the territory of a Part A State or Part C State entirely by rail, a copy of the licence shall forthwith be sent by the Chief Secretary to the Government of the State granting it to the Chief Secretary to the Government of the other State concerned and to the Railway authorities at the place from which the consignment is to be despatched.

(*b*) The railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence and shall satisfy themselves—

(*i*) that the arms, ammunition or stores correspond with the description given in such licence, and

(*ii*) that such licence's identical with the copy sent to them.

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(c) Where in any case—

(i) the consignment is not accompanied by the original licence, or

(ii) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(iii) the licence is not identical with the copy sent to them, the railway authorities shall not receive the consignment for despatch and shall forthwith inform the Chief Secretary to the Government of the State granting the licence.

(3) Where under the authority of a licence granted under sub-rule (1) arms, ammunition or stores are to be transported across the territory of a Part A State or Part C State and re-exported by road or river,—

(i) a copy of the licence shall forthwith be sent by the Chief Secretary to the Government of the State granting it to the District Magistrate of the district out of which the consignment is to cross the frontier of a Part A State or Part C State into the State to which it is exported; and

(ii) the licence shall within six days of the arrival of the consignment in the district out of which it is to cross the frontier of a Part A State or Part C State into the State to which it is exported, and before it so crosses, be delivered to the District Magistrate of such District, or to such other officer as the District Magistrate may appoint for this purpose.

(4) Every officer to whom a licence is delivered under clause (ii) of sub-rule (3) shall satisfy himself—

(a) that such licence is identical in substance with the copy sent to him under clause (i) of that sub-rule, or to the District Magistrate in case he is not the District Magistrate himself;

(b) that the arms, ammunition or stores correspond with the description given in the licence; and

(c) that any deficiency is properly accounted for.

24. **Licence for import, transport and re-export of arms, ammunition and military stores.**—(1) Save as otherwise provided by Rules 5, 7 and 20, a comprehensive licence in Form VIII for the import of arms, ammunition or military stores and for their re-export may be granted—

(a) where they are consigned from any place in Nepal to a Part A State or Part C State—by the Ambassador of India in Nepal;

(b) where they are consigned from any place in Nepal to any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin separated therefrom by any Part A State or Part C State or part of a Part A State or Part C State—by the Ambassador of India in Nepal or by the Chief Secretary to the Government of the State concerned.

(2) (a) Where under the authority of the licence granted under sub-rule (1), the arms, ammunition, or military stores are to be transported across Indian territory entirely by rail, a copy of the licence shall forthwith be sent by the Ambassador of India in Nepal to the District Magistrate or the Chief Secretary to the Government of the State concerned and to the railway authorities at the place from which the consignment is to be despatched.

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(*b*) The railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence and shall satisfy themselves—

(*i*) that the arms, ammunition or stores correspond with the description given in such licence, and

(*ii*) that such licence is identical with the copy sent to them.

(c) Where in any case—

(*i*) the consignment is not accompanied by the original licence, or

(*ii*) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(*iii*) the licence is not identical with the copy sent to them, the railway authorities shall not receive the consignment for despatch and shall forthwith inform the Ambassador of India in Nepal, who granted the licence.

(3) Where under the authority of a licence granted under sub-rule (1) arms, ammunition or stores are to be transported across Indian territory and re-exported by road or river,—

(*i*) a copy of the licence shall forthwith be sent by the Ambassador of India in Nepal to the District Magistrate of the district out of which the consignment is to cross the frontier of India into Nepal, and

(*ii*) the licence shall within 6 days of the arrival of the consignment in the district out of which it is to cross the frontier of India into Nepal and before it so crosses, be delivered to the District Magistrate of such district, or to such other officer as the District Magistrate may appoint for this purpose.

(4) Every officer to whom a licence is delivered under clause (*ii*) of sub-rule (3) shall satisfy himself—

(*a*) that such licence is identical in substance with the copy sent to him under clause (*i*) of that sub-rule, or to the District Magistrate in case he is not the District Magistrate himself;

(*b*) that the arms, ammunition or stores correspond with the description given in the licence; and

(*c*) that any deficiency is properly accounted for.

EXPORT AND RE-IMPORT.

25. **Licence for export and re-import of arms, ammunition and military stores.**—(1) Save as otherwise provided by Rules 5 and 7, a comprehensive licence in Form VIII for the export of arms, ammunition or military stores and for their re-import, where such arms, ammunition or stores, are consigned from any place in a Part A State or Part C State to any other place in a Part A State or Part C State separated therefrom by the territory of any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore Cochin may be granted by the licensing authority of either such place, that is to say, by the authority empowered under these rules to grant a licence for the export of such arms, ammunition or military stores when consigned from, or, as the case may be, for their import when consigned to, such place.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent by the licensing authority granting it to the other licensing authority concerned and also—

(*a*) where the arms, ammunition or stores are to be transported entirely by rail to the railway authorities at the place from which the consignment is to be despatched, and

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(b) where the arms, ammunition or stores are to be transported by road or river to the District Magistrate of the district into which the consignment is to cross the frontier of India on re-importation.

(3) The railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence and shall satisfy themselves:

(a) that the arms, ammunition or stores correspond with the description given in such licence, and
(b) that such licence is identical with the copy sent to them.

(4) Where in any case—

(a) the consignment is not accompanied by the original licence, or
(b) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or
(c) the licence is not identical with the copy sent to them,

the railway authorities shall not receive the consignment for despatch and shall forthwith inform the nearest Magistrate having jurisdiction at the place where the consignment is tendered for despatch.

MANUFACTURE AND SALE.

26. **Manufacture, conversion, sale and keeping for sale of arms, ammunition or military stores.**—(1) A licence—

(a) in Form IX to manufacture, convert, sell or keep for sale, or
(b) in Form X to sell and keep for sale, any arms, ammunition or military stores, may save as otherwise provided by sub-rule (2), be granted—
(i) in a Presidency-town—by the Commissioner of Police, or
(ii) in any other place—by the District Magistrate.

(2) A licence—

(a) in Form XI to manufacture, convert, sell or keep for sale, or
(b) in Form XII to sell or keep for sale,

breech-loading rifles, parts of breech-loading rifles, rifle ammunition or military stores for rifles shall be granted only by the Central Government or in the State of Madras by the Board of Revenue.

(3) The Central Government or in the State of Madras the Board of Revenue may, by licences granted by it under this rule, authorise selected dealers to sell and keep for sale a specified amount of ammunition for rifles of ·303 bore for muskets of ·410 bore and for poistols and revolvers of ·441, ·455 or any intermediate bore, or of ·38 bore or 9 mm calibre:

Provided that the licensee shall not sell from his stock to any person who does not hold—

(a) a licence to possess such ammunition, or
(b) a licence for the export of balled ammunition to any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin granted by the Chief Secretary ho the Government of the State concerned.

(4) Every Magistrate and every Police officer not below the rank of Inspector or, if the Central Government so direct, of Sub-Inspector, may, within the local limits of his authority,—

(a) enter and inspect any premises in which arms, ammunition or military stores are manufactured, converted, sold, or kept for sale, and

(*b*) examine the stock and accounts of receipts and sales of arms, ammunition or military stores.

KEEPING FOR SAFE CUSTODY.

27. **Licence to keep for safe custody firearms and ammunition.**—A licence in Form XIII to keep for safe custody firearms and ammunition deposited by their owners for that purpose may be granted to the holder of a licence in Form IX, Form X, Form XI, or Form XII--

(*a*) in a Presidency-town—by the Commissioner of Police, or
(*b*) in any other place—by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Central Government in that behalf.

POSSESSION.

28. **Restriction upon possession of cannon and certain other articles.**—(1) A licence in Form I for the possession of—

(*a*) cannon,
(*b*) articles designed for torpedo service,
(c) war-rockets, or
(*d*) machinery for the manufacture of arms or ammunition,
(*e*) continuous fire firearms,

may be granted only by the Central Government.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent—

(*a*) where the articles are to be kept in a Presidency-town—to the Commissioner of Police, or
(*b*) where they are to be kept in any other place—to the District Magistrate of the district in which such place is situated.

29. **Possession of arms, ammunition or military stores.**—Save as otherwise provided by rule 28, a licence in Form XIV for the possession only of arms (other than pistols or revolvers), ammunition or military stores may be granted—

(*a*) in a Presidency-town—by the Commissioner of Police; or
(*b*) in any other place—by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Central Government in that behalf.

30. **Licence for the possession and use of firearms for purposes of target practice.**—A licence in Form XV for the possession and use of firearms for the purposes of target practice, by the members of any military mess or of any club or association may, with the sanction of the Central Government, or in the State of Madras, of the Board of Revenue, be granted in the name of the mess, club or association--

(*a*) in a Presidency-town by the Commissioner of Police; or
(*b*) in any other place—by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Central Government in that behalf.

FOSSESSION AND GOING ARMED.

31. **Possession of arms and ammunition and going armed for sport, protection or display.**—(1) Ssve as otherwise provided by rule 28, a licence in Form XVI or

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Form XVI-A for the possession of arms and ammunition in reasonable quantities and for going armed for the purposes of sport, protection or display may be granted—

(*a*) in Madras and Bombay—by the Commissioner of Police, in Calcutta—by the Deputy Commissioner of Police at headquarters;

(*b*) in any other place—by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Central Government in that behalf;

(*c*) in the case of a person residing in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—by the Chief Secretary to the Government of the State concerned, and

(*d*) in the case of a person residing in Nepal—by the Ambassador of India in Nepal:

Provided that—

(*i*) no licence shall be granted for the possession of such rifles, muskets, pistols or revolvers as are specified in clause (*a*) of sub-rule (1) of rule 7, or of ammunition for rifles of ·303 bore or for muskets of ·410 bore or for pistols or revolvers of ·441, ·455, or any intermediate bore or of ·38 bore or 9 mm. calibre or for going armed with such rifles, muskets, pistols or revolvers unless such rifles, muskets, pistols or revolvers or such ammunition have been lawfully imported into any Part A State or Part C State; and

(*ii*) no licence shall be granted in respect of balled ammunition for rifles of ·303 bore or for muskets of ·410 bore or for pistols or revolvers of ·441, ·455 or any intermediate bore or of ·38 bore or 9 mm. calibre unless the authority granting the licence is satisfied that such rifle or musket is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into any Part A State or Part C State, as the case may be, and the amount of balled ammunition which such licencee may possess during the period of twelve months next ensuing shall be entered in the licence.

(2) Any licence granted under sub-rule (1) may be made valid by the licensing authority as follws :—

(*a*) throughout the State in which it is granted or any specified part thereof, or throughout Part A States and Part C States, and

(*b*) when granted by the Chief Secretary to the Government of the State concerned under clause (*c*) of that sub-rule, or by the Ambassador of India in Nepal under clause (*d*) of that sub-rule throughout the whole or any specified part of Part A States and Part C States.

(3) Any such licence having effect outside the Part A State or Part C State in which it is granted shall be granted subject to any restrictions which may be imposed by any general or special order of the Central Government.

(4) The District Magistrate, South Arcot, may, on the recommendation of the Commissioner of the French Republic in the French Establishments in India endorse a licence granted in Pondicherry for the possession of arms and ammunition or for going armed as valid for a period not exceeding one year throughout Part A States and Part C States or any specified part thereof, and such licence shall, when so endorsed, be deemed for such period to be a licence granted under sub-rule (1).

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32. **Temporary licence for possession of arms and for going armed by** *bona fide* **travellers.**—(1) Save as otherwise provided by rule 28, a licence in Form XVII may be granted to a *bona-fide* traveller proceeding from a port of arrival in a Part A State or Part C State to his place of destination and for the possession of arms and ammunition in reasonable quantities during the period occupied in so proceeding and for going armed during such period—

(*a*) if the port of arrival is a Presidency-town—by the Commissioner of Police; and

(*b*) in other cases by the District Magistrate, or by any other officer specially empowered by the Central Government in that behalf:

Provided that—

(*a*) no licence shall be granted for the possession of such rifles, muskets, pistols or revolvers as are specified in clause (*a*) of sub-rule (1) of rule 7, or of ammunition for rifles of ·303 bore, or for muskets of ·410 bore or for pistols or revolvers of ·441, ·455 or any intermediate bore or of ·38 bore or 9 mm. calibre or for going armed with such rifles, muskets, pistols or revolvers, unless such rifles, muskets, pistols, revolvers or ammunition have been lawfully imported into any Part A State or Part C State; and

(*b*) no licence shall be granted in respect of balled ammunition for rifles of ·303 bore or for muskets of ·410 bore or for pistols or revolvers of ·441, ·455 or any intermediate bore or of ·38 bore or 9 mm. calibre unless the authority granting the licence is satisfied that such rifle or musket is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into any Part A State or Part C State, as the case may be.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent—

(*a*) where the licensee's place of destination is a Presidency-town—to the Commissioner of Police;

(*b*) where his place of destination is elsewhere in a Part A State or Part C State—to the District Magistrate of the district in which such place is situated;

(*c*) where his place of destination is in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—to the Chief Secretary to the Government of the State concerned.

(3) Any officer to whom a copy of such licence has been sent under sub-rule (2), shall satisfy himself when necessary that the licensee has complied with condition 6 entered on the form of licence.

33. **Possession of arms and ammunition, and going armed for the destruction of wild animals.**—A licence in Form XVIII for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to human beings or cattle may be granted by the District Magistrate or by any Sub-Divisional Magistrate especially empowered by the Central Government in that behalf.

34. **Possession of arms and ammunition and going armed for the protection of crops.**—A licence in Form XIX for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to crops or cattle

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may be granted by the District Magistrate or by any Sub-Divisional Msgistrate specially empowered by the Central Government in that behalf :

Provided that such licence—

(*a*) shall only be granted to *bona fide* cultivators ; and
(*b*) shall be valid only in the place or area specified in the licence by the licencing officer.

35. **Going armed on a journey.**—(1) A licence in Form XX for going armed on a journey in or through any Part A State or Part C State may be granted—

(*a*) in a Presidency-town—by the Commissioner of Police ;
(*b*) in any other place—by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Central Government in that behalf ;
(*c*) in the case of a person residing in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—by the Chief Secretary to the Government of the State concerned ; or
(*d*) in the case of persons residing in Nepal—by the Ambassador of India in Nepal.

(2) Where a Commissioner of Police of District of Sub-Divisional Magistrate receives an application for a licence of the nature rererred to in sub-rule (1) from any person who.—

(*a*) is not resident within the local limits of his authority, or
(*b*) is not personally known to him, he shall, before granting the licence, ascertain—

(*i*) when the applicant resides in a Presidency-town—from the Commissioner of Police ;
(*ii*) when the applicant resides in any other place in a Part A State or Part C State—from the District Magistrate of the district in which such place is situated ; or
(*iii*) when the applicant resides in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—from the Chief Secretary to the Government of the State concerned,

whether there is any objection to the grant of the licence unless, for reasons to be recorded, he considered this precaution to be unnecessary.

POSSESSION AND IMPORT OR TRANSPORT.

36. **Possession by dealers of certain balled ammunition with liberty to import.**—(1) A licensed dealer authorized by the Central Government under sub-rule (3) of rule 26 to sell and keep for sale a specified amount of balled ammunition for rifles of ·303 bore, for muskets of ·410 bore and for pistols and revolvers of ·441, ·455 or any intermediate bore or of ·38 bore or 9 mm. calibre may be permitted—

(*a*) in a Presidency-town—by the Commissioner of Police, or
(*b*) in any other place—by the the District Magistrate, to import such ammunition up to such amount.

(2) Where application is made under sub-rule (1) for permission to import balled ammunition, the dealer shall produce his licence and, if permission is granted the authority granting it shall endorse on the licence the quantity of balled ammunition for which, and the date on which, such permission was granted.

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37. **Previous sanction in certain cases**—(1) Save as provided by rule 23, a licence, having effect beyond the local limits of the authority of the officer granting it, shall not be granted—

(*a*) for the export of any arms, ammunition or military stores to any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajastan, Saurashtra and Travancore-Cochin without the previous sanction of the Chief Secretary to the Government of the State concerned :

Provided that the previous sanction of the Chief Secretary to the Government of the State concerned shall not be necessary in cases where the consigneeis—

(*i*) the Ruler of an Indian State;

(*ii*) a gazetted officer in civil employ or an officer in the Indian Navy, Army of Air force ;

(*iii*) a member of the family of a Ruler of an Indian State or an official of any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin who has been designated in this behalf by the Central Government or the Chief Secretary to the Government of the State concerned ;

(*iv*) one of the persons or a person belonging to one of the classes of persons specified in Schedule I and the consignment is intended for the personal use only of the consignee ; or

(*b*) for the import or transport of any arms, ammunition or military stores—

(*i*) to a Presidency-town without the previous sanction of the Commissioner of Police ; or

(*ii*) to any other place in a Part A State or Part C State, without the previous sanction of the District Magistrate of the district in which such place is situated.

(2) The previous sanction referred to in this rule may be obtained either—

(*a*) by the applicant for the licence, or

(*b*) by the officer to whom application for the grant of such licence is made.

(3) Where the previous sanction is sought by the officer to whom application for the grant of the licence is made, he shall send a copy of the proposed licence to the authority whose previous sanction is required ; and, on receipt of the reply of such authority, he shall either grant the licence or inform the applicant that his application is refused.

38. **Application for licences.**—(1) Every person who wishes to obtain a licence under these rules shall apply in writing, through the medium of the Post Office or otherwise at his option, to the nearest authority empowered to grant such licence, and shall in such application furnish all such particulars as may be necessary to enable such licence to be granted ;

Provided that application on behalf of a person serving in the Indian Navy, Army or Air Force shall be made through his Commanding Officer, to the licensing authority empowered in respect of the place to which he is for the time being posted.

(2) Without prejudice of the generality of sub-rule (1), every person applying for a licence—

(*a*) for the import by land or river,

(*b*) for the export, or 444

(*c*) for the transport,

of any arms, ammunition or military stores shall specify in his application—

(*i*) the place of destination,

(*ii*) the route,

(*iii*) the time likely to be occupied in the journey, and

(*iv*) the quantity, description and price of each kind of arms, ammunition or stores in respect of which the licence is required and the puprose for which they are intended.

(3) Where the grant of the licence requires the previous sanction of some other authority specified in rule 37, the application shall state whether such previous sanction has been obtained and, if so, shall be supported by evidence there of.

39. **Form and language of licences.**—(1) Every licence shall be granted or renewed in the appropriate Form, and subject to the condition set forth in such form, and, save as therein otherwise exoressly provided, the arms, ammunition on military stores specified and the persons named in the licence shall alone be covered thereby.

(2) Every such licence shall be written or printed—

(*a*) where it is granted in a Presidency-town or where it is granted in a district and is intended for use beyond the limits of such district, in English and, if the licensing officer so directs, in the language of the district, or

(*b*) where it is granted in a district and is intended for use only within the limits of such district, in English or in the language of the district as the licensing officer may direct.

40. **Duration and renewal of licences.**—(1) Save as herein otherwise provided every licence under these rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate form, the authority granting it may enter thereon :

Provided that where a licence is granted in Form XV, XVI, XVIII or XIX for the possession of arms to be acquired by the licence subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licencee fails to acquire the arms and to produce the licence of the arms or both as the case may be, the licence shall cease to be in force.

(2) A licence for the transport of arms, ammunition or military stores shall not, save for special reasons to be recorded by the authority granting it, be granted for a period longer than twice the time likely to be occupied in the journey to the place of destination by the route indicated in the licence.

(3) Every licence may, at its expiration and subject to the same conditions (if any) as to previous sanction as would apply in the granting thereof, be renewed

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by the authority who granted it, or by any other authority empowered to grant a licence of the description in question :

Provided as follows :—

(*a*) Licence in Form XI or Form XII may, where the Central Government so directs, be renewed

(*i*) by the Commissioner of the Division, or

(*ii*) in a Part A State or Part C State where there is no Commissioner of a Division, by the District Magistrate of the District

in which the licensee resides or carries on business ;

(*b*) any Sub-Divisional Magistrate may renew a licence in Form XVI, Form XVI-A, Form XVIII or Form XIX ; and

(*c*) the authority issuing a licence will ordinarily be responsible for watching all future renewals of the licence. Where a licence is renewed by an authority other than the authority who granted it, the former shall forthwith inform the latter of the fact of renewal and the period for which such renewal is valid. The applicant for the renewal of a licence under this proviso should, however always be required to state his permanent residence, and, if he notifies a change in his permanent residence to the district in which the renewal is sought, the licensing authority of such district shall thenceforward become responsible for watching all future renewals of his licence and shall inform the original issuing authority accordingly. This procedure shall be repeated on each subsequent occasion of renewal of the licence, the necessary intimation being sent by the renewing authority to the original issuing authority or to the authority who last renewed the licence on a permanent change of residence, as the case may be.

NOTE.—In the case of a Government or Railway officer "permanent residence" means the place where he is actually posted on duty at the time of renewal of the licence.

41. Discretion and control of authorities empowered to grant licences.—(1) Every authority empowered to grant or renew a licence or to give his previous sanction to such grant or renewal may, in his discretion,—

(*a*) refuse to grant or renew such licence or to give such sanction, or

(*b*) where the authority is subordinate to the Government of a Part A State or Part C State, refer the application for orders to such Government :

Provided that in any case in which such authority refuses to grant or renew a licence, the applicant for such grant or renewal may appeal to the immediate official superior of the authority so refusing.

In the State of Madras the Board of Revenue and in the State of Assam, the State Government shall be considered to be the immediate official superior of the District Magistrates for the purpose of such appeals.

(2) Every such authority shall exercise all powers and perform all duties conferred or imposed by these rules, subject to the control of the executive authorities to whom he is subordinate.

42. Obligation to produce licences.—(1) Any person who 446

(*a*) holds a licence granted or renewed or a pass granted under these rules

or

(*b*) is acting under colour of such licence or pass

shall forthwith produce such licence or pass upon the demand of any Msgistrate or of any Police officer of a rank not below that of officer in charge of a police station.

(2) Nothing in sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a licence to grant or renew it upon any condition, not inconsistent with that sub-rule, with respect to the production of such licence.

43. **Production of arms.**—The authority by whom any licence has been granted under rule 29, rule 30, rule 31, rule 33 or rule 34 or by whom any such licence has been renewed under sub-rule (3) or rule 40 may, for the purpose of satisfying himself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by order in writing require the licencee to produce the arms at such time and place and for the inspection of such person as may be specified in the order.

FEES.

44. **Fees payable for licences.**—(1) Every licence granted or renewed under these rules shall, save as herein othewise expressly provided, be chargeable with the fee (if any) indicated in the form in which it is granted or renewed.

(2) Where any arms, other than—

(*a*) cannon, or

(*b*) rifles, revolvers or pistols in respect of which the prohibition imposed by rule 7 applies,

or any ammunition or military stores are imported under a licence into any port in a Part A State or Part C State and re-exported thence and re-imported into any of the ports specified in rule 8 or in rule 9, the necessary licences for such re-export under rule 14 and for such re-import under rule 8 or 9 shall be respectively chargeable with a fee of one rupee only.

(3) The Central Government may, by general or special order, grant exemption from, or reduction of, the fee payable in respect of any licence.

(4) Any Political Agent or Chief Secretary of a Part B State authorised under rule 16 to grant licences in Form VI may remit the fee payable in respect of the grant or renewal of any such licence in the case of arms and ammunition exported for personal use, or in the case of ammunition exported for the use for blasting purposes, whether on a public work or not, of the Government of any territory or place outside India or of any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin.

(5) The fee payable in respect of the grant or renewal of any licence in Form VI shall be remitted in the case of all licences in that Form granted under rule 16 by the Commissioner of Police in Madras or Bombay, the Deputy Commissioner of Police in Calcutta, or by the District Magistrate of Delhi or Meerut.

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(6) The fee payable in respect of a licence in Form VI granted under rule 16 by the District Magistrate of Malabar for export to Mahe shall be reduced to one rupee in every case in which the value of the consignment does not exceed twenty rupees.

(7) No fee shall be chargeable in respect of the grant or renewal of any licence in Form XVI to any member of any of the classes of persons specified in the first column of Schedule VII for possession of and going armed with the arms and ammunition specified in the corresponding entry in the second column thereof; provided that if application for renewal is not made within one month of the date on which the licence expires, the licensing authority may, in his descretion, levy renewal fees at the rates specified in Form XVI.

(8) No fee shall be chargeable in respect of the endorsement under sub-rule (4) of rule 31 of a licence granted in Pondicherry.

(9) No fee shall be chargeable in respect of a licence in Form IX granted under rule 26 (1) (*a*) for the conversion of chlorates for industrial purposes other than the manufacture of fireworks.

45. **Fees Payable for Duplicates.**—Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

(*a*) where the original licence was granted without the payment of any fee, free of all fee; or

(*b*) in any other case, on payment of a fee of one rupee or of the fee with which the original licence was chargeable whichever is less.

46. **Collection of fees.**—All fees payable under rule 44 or rule 45 shall be paid in cash.

SAVINGS.

47. **Savings.**—All exemptions, exclusions and withdrawals made, all licences or duplicates granted or renewed, all fees imposed, levied, remitted or reduced, and all powers conferred, by or under the Indian Arms Rules, 1924 shall, so far as they are consistent with these rules shall be deemed to have been respectively made, granted, renewed, imposed, levied, remitted, reduced or conferred under the corresponding provisions of these rules.

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(*See* rule 3).

Persons Exempted.

The persons or classes of persons specified or described in the first column of the sub-joined table are, subject to the provisions of provisos (b) and (c) to rule 3, exempted, in respect of the arms and ammunition described in the second column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Act as are indicated in the fourth column, subject to the provisos and restrictions entered in the third column.

THE TABLE.

Persons or classes of persons	Arms and Ammunition	Provisos and restrictions	Prohibitions and directions
1	2	3	4
1. (a) President of India ...	All except— (a) cannon;	.....	Those contained in sections 13 to 15.
(b) Governor of a Part A State. (c) Maharajpramukh of Rajasthan. (d) Rajpramukh of a Part B State.	(b) articles designed for torpedo service; (c) war-rockets; (d) such rifles, muskets, pistols or revolvers as are specified in clause (*a*) of sub-rule (1) of rule 7 (and ammunition which can be fired from a rifle of ·303 bore or from a musket of ·410 bore or from a pistol or revolver of ·441, ·445 or any intermediate bore or of ·38 bore or 9 m.m. calibre) not lawfully imported into India;		
(e) Chief Commissioner of a Part C State.	(e) machinery for the manufacture of arms or ammunition; (f) appliances the object of which is the silencing of fire-arms; (g) appliances (including pistols, pistol-pens, pistol-pencils, and grenades, cartridges, etc.), for discharging gas and (h) continuous fire fire-arms.		
2. (a) Ruler of an Indian State having a salute of guns.	Do ...	.....	Do
(b) Any legitimate son of such Ruler who is not less than 16 years of age and has been nominated by such Ruler.	Do ...	.....	Do
(c) A. D. Cs. and/or personal body-guards of such Ruler.	Do ...	.....	Do

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Persons or classes of persons	Arms and Ammunition	Provisos and restrictions	Prohibitions and directions
1	2	3	4
(d) Servants of such Ruler, when carrying arms for, but not accompanying, the Ruler.	(h) continuous fire fire-arms.	This exemption shall be subject to the following conditions:- (i) the number of servants entitled to the exemption in the case of each such ruler shall not exceed 4, and (ii) their names shall have been specified in a general authorisation to any such ruler issued by the State Government concerned.	Those contained in sections 13 to 15.
3. (a) Ruler of an Indian State not having a salute of guns.	All except— (a) cannons; (b) articles designed for torpedo service; (c) war-rockets; (d) such rifles, muskets, pistols or revolvers as are specified in clause (*a*) of sub-rule (1) of rule 7 (and ammunition which can be fired from a rifle of ·303 bore or from a musket of ·410 bore or from a pistol or revolver of ·441, ·455 or any intermediate bore or of ·38 bore or 9 m.m. calibre) not lawfully imported into India; (e) machinery for the manufacture of arms or ammunition; (f) appliances the object of which is the silencing of fire-arms;	This exemption shall be subject to such conditions (if any as may be prescribed by the Central Government and may, where necessary, be of a general nature dispensing with the necessity of a fresh order on each occasion.	Do
	(g) appliances (including pistols, pistol-pens, pistol-pencils, and grenades, cartridges, etc.), for discharging gas; and (h) continuous fire fire-arms	This exemption shall be subject to such conditions (if any) as may be prescribed by the Central Government and may, where necessary, be of a general nature dispensing with the necessity of a fresh order on each occasion.	
(b) Such members of the family of a Ruler of an Indian State, as may be specified by the Central Government.	Do ...		
(c) A. D. Cs. and/or personal body-guards of the Ruler of an Indian State, not having a salute of guns.	Do ...	The A. D. Cs. and/or personal body-guards entitled to the exemption shall not exceed such number as the Central Government may, from time to time, specify.	Do
4. Every person of Coorg race and every Jumma tenure holder in Coorg, who by his tenure, is liable to perform military or police duties.	Do ...	The arms or ammunition carried or possessed by any person herein exempted whilst residing or travelling outside the State of Coorg shall not exceed one rifle with 100 rounds of ammunition for the same and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent in leaden shot and gun powder.	Do
5. The Prince of Arcot ...	Do ...	The exemption shall be subject to— (a) the orders of the Central Government regarding the number of retainers and the quantity and description of arms and ammunition to be permitted, the purposes for which such arms may be carried, and	Do

SCHEDULE I—*Concld.* 450

Persons or classes of persons	Arms and Ammunition	Provisos and restrictions	Prohibitions and directions
1	2	3	4
		(b) the annual registration of the retainers' weapons exempted, the number and description only being specified.	
6. The Officer Commanding a Unit of the Armed Forces or of the Territorial Army, and when he is in possession of a pass granted and signed by his Officer Commanding, every Gentleman Cadet (Regular Army), every Junior Commissioned Officer, every Warrant Officer, Non-Commissioned Officer and Soldier, Sailor or Airman of the Armed Forces.	Such arms and ammunition as are provided for sporting purposes by Government or from a regimental fund under the authority of the Officer Commanding the unit.	This exemption shall apply in the case of Gentlemen Cadets (Regular Army), Junior Commissioned Officers, Warrant Officers, Non-Commissioned Officers, and Soldiers, and Airmen of the Armed Forces only in respect of weapons and ammunition entered in the pass and to the areas and for the dates specified in the pass and in the case of officers Commanding only in respect of the purchase and stocking of arms and ammunition which are provided for sporting purposes by Government or from a regimental fund.	Those contained in sections 13 to 15.

SCHEDULE II. 451

(*See* rule 3)

Arms, Ammunitions and Military Stores excluded.

Within the areas specified in the first column of the sub-joined table, the arms, ammunition and military stores described in the second column are excluded from the operation of such prohibitions and directions contained in the Act as are indicated in the third column.

THE TABLE.

Area	Arms, Ammunition or Military Stores	Prohibitions and directions
1	2	3
1. All Part A States and Part C States except the States of Punjab and Delhi.	All arms except— (a) cannon other than of the kind specified in head (i) of entry 2, (b) fire-arms; (c) air guns and air-pistols other than of the kind specified in head (iii) of entry 2; (d) articles designed for torpedo service; (e) war-rockets; (f) machinery for the manufacture of arms; and (g) appliances the object of which is the silencing of fire-arms: Provided that the exceptions in respect of cannon and fire-arms shall not apply in the case of arms of these classes other than filled or empty grenades which are obsolete and unserviceable and of purely antiquarian value or which are in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display.	All: provided that the Central Government may, by notification in the official Gazette retain all or any of the pohibitions and directions contained in the Act in respect of any arms in the case of any class of persons or of any specified area.
2. All Part A States and Part C States.	(i) Toy cannon weighing less than 56 lbs. and having— (a) a calibre of less than one inch; (b) a length of bore of less than 24 inches; and (c) the interior of the bore unrifled.	All
	(ii) Sights for rifles imported for the use of, or for sale to Officers, Junior Commissioned Officers, Warrant Officers and Petty Officers of the Indian Navy, Army or Air Force or of Armed Forces maintained by a Part B State or of the Indian Territorial Army or non-commissioned officers and soldiers of the Indian Army on a written permit from the Officer Commanding the regiment to which they belong.	All
	(iii) Air guns and air-pistols which satisfy the following test, namely, that projectiles discharged from such guns or pistols do not perforate a target 12 inches square formed by five strawboards of foolscap size, each board being 3/64ths of an inch thick and closely held together in a frame:	All: provided that the Central Government may by notification in the Official Gazette, retain all or any of the prohibitions and directions contained in the Act in respect of air pistols or of any class thereof in the case of any class of persons or of any specified area.

SCHEDULE II—*Contd.*

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Area	Arms, Ammunition or Military Stores	Prohibitions and directions
1	2	3
	Provided that in making and estimating the test the following conditions shall be observed, namely— (1) the gun or pistol shall be held horizontally with the muzzle at a distance of five feet from the target; (2) the test shall be repeated twenty times for each class of projectile which can be discharged from the gun or pistol, and (3) perforation shall be deemed to be effected in a case where the projectile is a dart, if the point of the dart pierces the back of the target and in any other case if the projectile passes completely through the back of the target.	
	(iv) Fuses for blasting (safety or otherwise), tubes for firing explosives, detonators and other explosives, not being of the 6th (Ammunition) class as defined in Schedule I to the Explosives Rules, 1940.	All, except those relating to export: provided that the Central Government may, by notification in the Official Gazette, retain all or any of the prohibitions or directions contained in the Act, in the case of any class of persons or of any specified area.
	(v) The following classes of explosives when intended *bona fide* for private blasting purposes:	Those contained in Section 14; but the Central Government may by Notification in the Official Gazette, at any time, prohibit possession without a licence, in the case of any class of persons or of any specified area, if it considers it necessary to do so in the interests of public peace.
	(1) Cartridges made with gun powder and not containing their own means of ignition, and containing in all not more than 30 pounds of gun powder, (2) percussion caps.	
	(vi) Gun-wads and wire cartridges ...	Those contained in section 6.
	(vii) Arms and ammunition required for, and not kept or used for any purpose other than the navigation or operation of aircraft.	All
	(viii) Chlorates possessed or sold by *bona fide* medical practitioners and dispensing chemists in accordance with such conditions as may be prescribed by the Central Government.	Those contained in sections 5 and 14.
	(ix) Cartridge cases of arms of one or more than one inch bore.	All
	(x) Khukhris possessed or carried by Gurkhas of all classes.	All; provided that the Central Government may, by notification in the Official Gazette, retain all or any of the prohibitions and directions contained in the Act in this behalf in respect of all classes, or any class of Gurkhas, or of any specified area or areas.
	(xi) Recapper, Decapper and Turnover machines.	All

SCHEDULE II—*Concld.*

Area	Arms, Ammunition or Military Stores	Prohibitions and directions
1	2	3
The States of Punjab and Delhi.	(i) Bows and arrows	All
	(ii) Uniform swords and dirks of recognised military or official patterns, when possessed by, or intended to be supplied to, persons entitled to wear them as part of their uniforms.	All
	(iii) Swords imported for presentation as prizes for members of the regular or auxiliary force.	All
	(iv) In Punjab, ornamental arms and arms of an obsolete pattern possessing only antiquarian value, masonic swords, and theatrical and fancy dress swords: provided that they are virtually useless for offensive and defensive purposes.	All
	(v) Arms, other than filled or empty grenades, which are in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display.	All
	(vi) Kirpans possessed or carried by Sikhs...	All
	(vii) Swords of honour possessed or carried by persons or by the heirs of persons to whom they were awarded by the Central Government or the Government of a Part A State or Part C State.	All.
4. The States of Punjab, Himachal Pradesh and Bilaspur (Simla Hills).	(*i*) Swords other than swordsticks. (The term "sword stick" includes any pointed or bladed weapon sheathed in such a manner that its real nature may be presumed to be intended to be disguised. It is immaterial whether the sheath completely disguises the presence of the blade or not).	All with the exception of those contained in section 5: Provided that the Central Government may by notification in the Official Gazette retain all or any of the prohibitions and directions contained in the Act in respect of any class of persons or of any specified area or areas.
	(ii) Spears or "barchhas"	All.
5. All Part A States and Part C States, excepting all districts on the external land frontier of India.	(*i*) Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and birdshot) up to any quantity.	All.
	(ii) Leaden bullets and bird-shot in quantity not exceeding such limits as the Central Government may fix.	All.
	(iii) Saltpetre	All.
	(iv) Sulphur in quantities not exceeding such limits as the Central Government may fix.	All.
6. All the districts on the external land frontier of India.	(i) Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets, and birdshot) in quantities not exceeding such limits as the Central Government may fix.	All.
	(ii) Leaden bullets and bird-shot in quantities not exceeding such limits as the Central Government may fix.	All.
	(iii) Saltpetre required for medicinal or goldsmith's purposes in quantities not exceeding 10 lbs.	All.
7. That part of the Saurashtra railway which lies in the Ahmedabad district in the State of Bombay.	All arms, ammunition and military stores covered by any exemption or *parwana* granted under the Saurashtra State Arms Rules, provided that the conditions of such exemption or *parwana* are observed.	Those contained in sections 13 to 15.

SCHEDULE III. 454

(*See* rule 3).

Arms, Ammunition and Military Stores excluded.

The arms, ammunition and military stores described in the first column of the subjoined table are excluded from the operation of the prohibitions and directions contained in section 6 of the Act to the extent entered in the second column.

THE TABLE.

Arms, ammunition and military stores 1	Prohibitions and directions 2
Any arms, ammunition or military stores brought into and landed in bond at or brought into any port in a Part A State or Part C State and declared under manifest to be consignments for any port to which export is permitted.	All.

SCHEDULE IV.

(*See* rule 3).

Areas in Part A States and Part C States withdrawn.

The areas specified in the first column of the subjoined table are withdrawn, in respect of the arms and ammunition described in the second column, from such prohibitions and directions contained in the Act as are indicated in the third column.

THE TABLE.

Areas 1	Arms and ammunition 2	Prohibitions and directions 3
1. (a) State of Ajmer except the Ajmer City Municipality and all places situate within three miles of any part thereof.	All, except firearms ...	Those contained in sections 13 and 14.
(b) Those parts of the Mirzapur District in Uttar Pradesh which are situate on the right bank of the river Sone.	All, except cannon ...	Do
2. The lands which are for the time being occupied by the B B. & C.I. Railway in Nimar district of Madhya Pradesh (including the lands occupied as stations out buildings and for other railway purposes) between the stations of Mortakka and Nimar Kheri.	All	Those contained in sections 14 and 15: Provided that a person who refuses or omits to comply with any regulation or rule of the Railway for the time being in force relating to the custody of arms while in passenger trains shall not be entitled to the benefit of this exemption.

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SCHEDULE V.

(*See* rule 15).

Officers empowered to grant licences for export by sea to ports in Part B States or to Foreign Territory.

Officers 1	Ports from which they may grant licences to export 2	Ports to which they may grant licences to export 3	Conditions 4
(1) The Board of Revenue in Madras.	Any Port in Part A State or Part C State.	Ports in French India	
(2) The Secretary to the Government of Bombay in the Political Department.	Do	(i) Ports in Portuguese India; (ii) any ports on the coast of Africa; and (iii) Ports in Iraq ...	For sporting rifles, sporting shot guns and their ammunition (excepting such rifles, muskets, pistols or revolvers and their ammunition as are specified in clause (a) of sub-rule (1) of rule 7), not intended for sale or for military purposes but for the personal use of the consignee and for explosives required for commercial purposes.
(3) The Chief Secretary to the Government of West Bengal.	Culcutta ...	Ports in Iraq ...	For sporting rifles, sporting shot guns and their ammunition (excepting such rifles, muskets, pistols or revolvers and their ammunition as are specified in clause (a) of sub-rule (1) of rule 7) not intended for sale or for military purposes, but for the personal use of the consignee.
(4) The Chief Secretary to the Government of Saurashtra.	Any port in a Part A State or Part C State.	Any port in Saurashtra State.	
(5) The Chief Secretary to the Government of Travancore-Cochin.	Any port in a Part A State or Part C State.	Any port in Travancore-Cochin State.	

SCHEDULE VI. 456

[*See* rule 16 (1)].

Officers empowered to grant licences for export by land or river to any place beyond the frontiers of the Part A States and Part C States.

1	2	3
(1) (a) Secretary to the Government of Bombay or West Bengal, or (b) the Board of Revenue in Madras.	Any Part B State ...	For the export of ammunition intended solely for the use of a public railway or other public work.
(2) The Commissioner of Police in Madras.	Any of the French Settlements in the State of Madras.	To persons who would be exempted in a Part A State or Part C State from the ordinary prohibitions of the Act and subject to the following conditions so far as those conditions apply to the circumstances of the case, namely:— (a) the consignment for export shall consist only of arms and ammunition in reasonable quantities and for personal use; (b) the consignee shall be one of the persons, or shall belong to one of the classes of persons, mentioned in Schedule I; and (c) the Commissioner shall keep a list of such licences.
(3) (i) The Commissioner of Police in the towns of— (a) Madras and (b) Bombay. (ii) The Deputy Commissioner of Police in Calcutta.	Any Part B State ...	(a) The consignment for export shall consist only of arms and ammunition in reasonable quantities and for personal use; (b) the consignee shall be one of the persons or shall belong to one of the classes of persons specified in the proviso to clause (a) of sub-rule (1) of rule 37; (c) the Commissioner or Deputy Commissioner shall keep a list of such licences; (d) no such officer may grant a licence for the export to a Part B State any arms in respect of which the prohibition imposed by rule 7 applies unless such arms have been lawfully imported into any Part A State or Part C State and are required for the personal use of persons or members of the classes specified in Schedule I.
(4) The District Magistrate of Malabar.	Mahe ...	...
(5) The Secretary to the Government of Bombay in the Political Department.	Portuguese India ...	...
(6) (*a*) The Board of Revenue in Madras.	Pondicherry and the other French Settlements in the State of Madras.	...
(*b*) The Chief Secretary to the Government of West Bengal.	Chandernagore ...	...
(7) The District Magistrate of Meerut.	Any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Saurashtra, Rajasthan and Travancore-Cochin.	For the export of ammunition only to Part B States; subject to the following conditions, namely:— (*a*) the consignment for export shall consist only of sporting ammunition or sporting arms and ammunition in reasonable quantities for the personal use of the consignee; (*b*) the consignee shall be one of the persons or shall belong to one of the classes of persons specified in the proviso to clause (a) of sub-rule (1) of Rule 37; (*c*) the Magistrate shall keep a list of all licences issued by him; and

SCHEDULE VI—*concld.*

1	2	3
		(*d*) copies of licences covering consignments to any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Saurashtra, Rajasthan and Travancore-Cochin shall be sent to the Chief Secretary to the Government of the State concerned.
(8) The District Magistrate of Gurdaspur.	The State of Jammu and Kashmir.	(*a*) The consignment for export shall consist only of sporting ammunition in reasonable quantities for the personal use of the consignee; (*b*) the consignee shall be one of the persons or shall belong to one of the classes of persons specified in the proviso to clause (a) of sub-rule (1) of rule 37, and (*c*) the Magistrate shall keep a list of all licences issued by him.
(9) The District Magistrate of Delhi.	Any Part B State ..	Do ...
(10) The District Magistrate of Ajmer.	The States of Rajasthan and Madhya Bharat.	Do ...
(11) (*i*) The Political Agent in Sikkim.	The States with which he is in political relations and any territory within his administrative control.	(a) No licence shall be granted for the export of— (i) cannon, or (ii) military stores of any kind other than sulphur or chlorates when required for the manufacture of matches, Bengal lights and paper caps for toy pistols, or (iii) save as hereinafter provided, such rifles, muskets, pistols or revolvers as are specified in clause (a) of sub-rule (1) of rule 7 or (iv) save as hereinafter provided, ball ammunition which can be fired from rifles of .303 bore or from muskets of .410 bore or from pistols or revolvers of ·441, ·455 or any intermediate bore and of .38 bore or 9 m.m. calibre. (b) Licences for the export of rifles, muskets, revolvers or pistols of the bores specified in sub-head (iii) of head (a) may be granted to persons, or members of the classes, specified in Schedule I who are exempted in respect thereof; (c) licences for the export of cartridges may be granted to persons or members of the classes specified in Schedule I who are exempted in respect thereof, subject to the following conditions, namely:— (i) that the number of such cartridges shall not exceed two hundred in any one year, and (ii) that the cartridges are for the personal use of the licensees.
(*ii*) The Chief Secretaries to the Governments of the States of Saurashtra, Rajasthan, Madhya Bharat, Patiala and East Punjab States Union, Travancore-Cochin, Mysore and Hyderabad.	The State concerned ...	Do ...
(12) The Commanding Officer of a Gurkha Battalion.	Nepal ...	For the export of khukhris in the possession of discharged Gurkha sepoys on their departure from the battalion to Nepal.
(13) The Indian Ambassador in Nepal.	Nepal ...	...

SCHEDULE VII 458

[*See* rule 44 (7)]

Persons to whom no fee is chargeable for a licence in Form XVI in respect of certain arms.

Persons	Arms and Ammunition
1	2
(1) (*a*) Any Junior Commissioned Officer, Chief Petty Officer, Petty Officer, Warrant Officer, Non-Commissioned Officer, Soldier, Sailor or Airman of the Armed Forces of the Union, whether in service, or retired and in receipt as such of a pension, or any person below the rank of Warrant Officer transferred to the Reserve and designated in this behalf by the Officer Commanding Unit; (*b*) any person holding any rank in the Territorial Army who has been awarded the Territorial Army Decoration or the Territorial Army Medal; (*c*) any person who was enrolled as a member of a corps of Volunteers under the Indian Volunteers Act, 1869 (XX of 1869) or who was a member of the late Indian Defence Force and who was awarded the Volunteer Officers' Decoration or the Long Service Medal and any person who held any rank in the late Auxiliary Force, India and was awarded the Volunteer Officers' Decoration or the Long Service Medal or the Efficiency Decoration or the Efficiency Medal and any person who held any rank in the late Indian Territorial Force, who was awarded the Efficiency Decoration or the Efficiency Medal or any person who held any rank in the late Armed Forces maintained by Part B States; (*d*) Officers and Warrant Officers of the Assam Rifles, Malabar Special Police, Eastern Frontier Rifles, the Bihar Military Police Units, and the Andaman and Nicobar Islands Military Police whether in service or retired and in receipt as such of a pension; and (*e*) non-commissioned officers and men of the Assam Rifles, Malabar Special Police, Eastern Frontier Rifles, and the Andaman and Nicobar Islands Military Police nominated in this behalf by Commandants of Battalions to a number not exceeding five in each Company.	One sporting gun or rifle together with a reasonable quantity of ammunition for the same.

SCHEDULE VII—*contd.* 4739

1	2
(2) Retired Police Officers who are permitted to wear on ceremonial occasions or when calling on Government officials the uniform of the rank which they held in the force at the time of retirement.	Revolvers which formed part of equipment as a police officer, together with a reasonable quantity of ammunition for the same.
(3) The heirs or successors of persons holding swords or other arms received by them as gifts from the Central Government or the Government of a Part A State or Part C State.	Such arms as were received as gifts, together with, where necessary, a reasonable quantity of ammunition for the same.
(4) Government servants whose possession of arms—such possession not being exempt from the provisions of the Act under section 1 (b) thereof—is declared by the Central Government to be in the public interest.	Such arms and ammunition as are specified in the declaration.
(5) All ex-soldiers who on the 6th November 1935 were settled in Ajmer.	Such arms and ammunition as may be considered reasonable by the District Magistrate, Ajmer.
(6) Persons who have received any of the following honours or awards, namely :— (*i*) The Param Vir Chakra. (*ii*) Ashoka Chakra Class I. (*iii*) The Maha Vir Chakra (*iv*) Ashoka Chakra Class II. (*v*) The Vir Chakra. (*vi*) Ashoka Chakra Class III. (*vii*) The Victoria Cross. (*viii*) The Distinguished Service Order. (*ix*) The Distinguished Service Cross. (*x*) The Distinguished Flying Cross. (*xi*) Awards for meritorious service which are not lower than the Meritorious Service Medal. (*xii*) The George Cross. (*xiii*) The Military Cross. (*xiv*) The Albert Medal. (*xv*) The King's Police and Fire Services Medal. (*xvi*) The George Medal. (*xvii*) The Edward Medal. (*xviii*) The Indian Distinguished Service Medal. (*xix*) The Medal for saving life at sea. (*xx*) The Indian Order of Merit (Civil and Military Division). (*xxi*) The Indian Police Medal. (*xxii*) The British Empire Medal. (*xxiii*) The President's Police and Fire Services Medal. (*xxiv*) The Police Medal.	Such arms and ammunition as may be considered reasonable by the officer issuing the licence.

SCHEDULE VII—*concld.* 460

1	2
(7) Such licensees of Punjab as are issued arms licences and are supplied with arms and ammunition by Government under the Village Defence Scheme.	Such arms and ammunition as are supplied by Government.
(8) (*a*) Heads of Foreign and Commonwealth Missions and their staff with the exception of the non-diplomatic staff of the High Commissioner for Ceylon in India; and	Such arms and ammunition as may be owned officially and/or privately from the date of appointment in India.
(*b*) Consular Officers and Consular Agents and their staff with the exception of the non-diplomatic staff of the High Commissioner for Ceylon in India;	
Provided that they are nationals of the Country represented.	

SCHEDULE VIII 461

(*See* rule 2)

Form I

(*See* rules 5, 20 and 28)

FREE OF ALL FEE.

Licence for the import, transport/possession of cannon, articles designed for torpedo service, war rockets or machinery for the manufacture of arms or ammunition.

Name, description and residence of licensee and agent (if any)	Number of packages	Description with specification of calibre of cannon or other articles	Number of articles	COLUMNS TO BE FILLED IN CASE OF IMPORT OR TRANSPORT			Period for which the licence is valid	Use to which the articles are to be put
				Place of despatch and route	Place of destination	Name, description and residence of consignee		
1	2	3	4	5	6	7	8	9
							From the..... to the .....19 .	

The of 19 . Date on which a copy is sent to the Commissioner of Police,.....

District Magistrate of the .....district.

Seal.

(Signature)

The of 19 . Secretary to the Government of India, Ministry of Home Affairs.

Conditions

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. In cases of import or transport—

(*a*) bulk shall not be broken before the articles reach the place of destination, and

(*b*) the articles shall be delivered only to a person lawfully entitled to receive them.

SCHEDULE VIII—*contd.* 462

3. In cases of import or of transport, an account of the contents of each package shall be legibly written thereon.

4. In cases of transport by rail, each package shall be marked with the word "cannon" or as the case may be, in such a manner as to be readily recongizable by the railway authorities.

Form II

(*See* rules 8 and 9)

FEE—

(*a*) where granted under rule 8 (c)—FREE OF ALL FEE.
(*b*) where granted under rule 9—ONE RUPEE.
(*c*) in any other case—TEN RUPEES.

Licence for the import of arms, ammunition or military stores into the port of.....

Name, description and residence of licensee and agent (if any).	Number of packages	Arms		Ammunition or Military Stores		Purpose for which required	Value of the firearms per piece	Place where articles are to be deposited or to which they are to be despatched	Period for which the licence is valid
		Description	Number	Description	Weight in seers or number				
1	2	3	4	5	6	7	8	9	10
									From the..... to the ...19 .

(Signature)

Commissioner of Police.
District Magistrate of the district.
Board of Revenue in Madras.

Seal.

The of 19 .

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. An account of the contents of each package shall be legibly written thereon

SCHEDULE VIII—*contd.* 483

3. The articles shall be either—

(*a*) deposited—

(*i*) in a warehouse appointed under section 15 of the Sea Customs Act, 1878, or

(*ii*) subject to the general or special sanction of the Central Government under section 7 of the Indian Arms Act, 1878, in a warehouse licensed under section 16 of the Sea Customs Act, 1878, or

(*b*) forthwith despatched to their place of destination.

Form III

(*See* rule 10)

FEE—

(*a*) where granted under rule 10(1)—FIVE RUPEES.
(*b*) where granted under rule 10(2)—FREE OF ALL FEE.

Licence for the import of arms, ammunition or military stores by land or river

Name, description and residence of lincensee and agent (if any)	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
		Description	Number	Description	Weight in seers or number					
1	2	3	4	5	6	7	8	9	10	11
										From the 19 .

Seal.

(Signature)
Commissioner of Police.
District Magistrate of the.....district.
Chief Secretary to the Govt. of the State of...

The of 19 .
The of 19 .

Date on which a copy is sent to the
Chief Secretary to the Govt. of the State of
.....[(rule 10(3)].
District Magistrate of district... [(rule 10(4)]
Station Master at the...station [rule 10(5)].

SCHEDULE VIII—*contd.* 46 Q

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

Form IV

(*See* rules 13 and 14)

FEE—

(*a*) where granted under rule 13—FIVE RUPEES.
(*b*) where granted under rule 14(2) (a) to (c)—TEN RUPEES, or in the case referred to in rule 44(2)—ONE RUPEE.
(*c*) where granted under rule 14(2) (d)—FREE OF ALL FEE.

Licence for the export of arms, ammunition or military stores from.....to.....

Name, description and residence of licensee and agent (if any)	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place to which consignment is to be despatched	Period for which the licence is valid and amount of fee charged
		Description	Number	Description	Weight in seers or number		
1	2	3	4	5	6	7	8
							From the..... to the.....

The of 19 .

Date on which the previous sanction of the Commissioner of Police.

District Magistrate of the.....districts

is obtained [rule 37(1)].

(Signature)

SCHEDULE VIII—*contd.* 465

The of 19 . { Date on which a copy is sent to the Commissioner of Police.

District Magistrate of the.....district [rule 14(3)],

Seal.

The of 19 . Commissioner of Police.

District Magistrate of the.....district.

The of 19 .

Secretary to the Government of India,
Ministry of Defence.

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. Where the consignment is to be despatched to an Indian port, the licence shall not be valid for export to any port other than that entered in column 7.

Form V.

[*See* rules 13 and 15).

FEE—FIVE RUPEES.

Licence for the export of arms, ammunition or military stores from.....to.....

Name, description and residence of licensee and agent (if any)	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
		Description	Number	Description	Weight in seers or number					
1	2	3	4	5	6	7	8	9	10	11
										From the ..... to the ..... 19 .

(Signature)
Secretary to the Government of India,
Ministry of External Affairs.

Officer specially empowered under rule 15.

The of 19 .

SCHEDULE VIII—*contd.* 466

The ..... of ..... 19 ..... { Date on which a copy is sent to the (1) Chief Secretary to the Govt. of.....State [rule 15 (2)]. (2) Agent or Master of vessel at the port [rule 15 (3)].

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken or the consignment stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyd by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

Form VI.

(*See* rule 16).

FEE—FIVE RUPEES.—

Licence for the export by land or river of arms, ammunition or military stores to..... in the..... State.

Name, description and residence of licensee and agent (if any)	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
		Description	Number	Description	Weight in seers or number					
1	2	3	4	5	6	7	8	9	10	11
										From the ..... to the ..... 19 .

SCHEDULE VIII—*contd.* 467

The of 19 .	Date on which the previous sanction of the Chief Secretary to the Govt. of.....State Commissioner of Police..... District Magistrate of the..... district is obtained [rule 37 (1)].
The of 19 .	Date on which a copy is sent to the Chief Secretary to the Govt. of...State [rule 16 (3)]. District Magistrate of the.....district [rule 16 (4)]. Commissioner of Police.....[rule 16 (5) (*a*)]. District Magistrate of the..... district [rule 16 (5) (*a*)]. Station Master at the.....Rly. Station [rule 16 (5) (*b*)].
The of 19 .	(Signature) Secretary to the Government of India, Ministry of External Affairs. Officer specially empowered under rule 16 Secretary to the Government of.....

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

SCHEDULE VIII—*contd.* 468

Form VII.

(*See* rule 21).

FEE—TEN RUPEES.

Licence for the transport of arms, ammunition or military stores.

Name, description and residence of licensee and agent (if any) authorised for the purpose of this consignment	Licensee's place of business, if any	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place of despatch, route and mode of transit	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
			Description	Number	Description	Weight in seers or number				
1	2	3	4	5	6	7	8	9	10	11
										From the ..... to the ..... 19 .

The of 19 . { Date on which the previous sanction of the Commissioner of Police, District Magistrate of the.....district is obtained [rule 37 (1)].

The of 19 . { Date on which a copy is sent to the Commissioner of Police [rule 21 (2) (*a*)]. District Magistrate of the.....district [rule 21 (2) (b)]. Magistrate at.....[rule 21 (3)].

(Signature)

The of 19 . Seal. Commissioner of Police. District Magistrate of the.....district.

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

SCHEDULE VIII.—*contd.* 469

2. The articles shall not be conveyed by any route other than that specified in column 8; and bulk shall not be broken, nor shall the consignment be stopped before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores" as the case may be, so as to be readily recognizable by the railway authorities.

4. The articles shall be delivered only to a person lawfully entitled to receive them.

Form VIII

(*See* rules 23, 24 and 25)

FEE—TEN RUPEES.

Licence for the ***import, transport and re-export*** *of arms, ammunition or military stores.*
export and re-import

Name, description and residence of licensee and agent (if any) authorised for the purpose of this consignment	Licensee's, place of business, if any	Number of packages	ARMS		AMMUNITION OR MILITARY STORES		Place of despatch, route and mode of transit	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
			Description	Number	Description	Weight in seers or number				
1	2	3	4	5	6	7	8	9	10	11
										From the to the 19 .

The of 19 .

Date on which copy is sent to the
(*a*) Chief Secretary to the Government of the other State.
licensing authority concerned rule [23(2) (*a*), 24(2) (*a*); 25 (2)].
(*b*) District Magistrate of .....district [rule 23(2), 24(3), 25(2)(*b*)].
(*c*) Station Master at the Railway Station [rule 23(2) (*a*), 24 (2) (*a*), 25(2) (*a*)].

(Signature)

The of 19 .

Chief Secretary to the Government of.....State
Ambassador of India in Nepal.

SCHEDULE VIII—*contd.*

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Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878 (XI of 1878), and of the Indian Arms Rules, 1951.

2. The articles shall not be conveyed by any route other than that specified in column 8; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

4. The articles shall be delivered only to a person lawfully entitled to receive them.

Form IX.

[*See* rule 26(1) (*a*)]

FEE—

(*a*) where granted under rule 26(1)(*a*)—TWENTY RUPEES; or

(*b*) in the case referred to in rule 44(9)—FREE OF ALL FEE.

Licence to manufacture, convert, sell or keep for sale, arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).

Serial number of licence	Name, description and residence of licensee, and of duly authorized agent or agents, if any	Place of business factory or shop	Description and number of arms		Description and quantity of ammunition or Military Stores		Date on which the licence expires
			To be manufactured or converted	To be sold or kept for sale	To be manufactured	To be sold or kept for sale	
1	2	3	4	5	6	7	8
							The 31st December 19 .

.....

(Signature)

The *of* *19*

Seal.

Commissioner of Police,

District Magistrate of the.....district.

SCHEDULE VIII—*contd.*

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Form for renewal of the Licence.

Date and year of renewal	Date on which the renewed licence expires	Signature of Commissioner of Police or District Magistrate
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The licensee shall maintain registers of all arms manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales in such form as the Central Government may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English and in the language of the district his name and the words "Licensed to manufacture (or 'Licensed to deal in', as the case may be) arms, ammunition and military stores'.

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Indian Arms Act, 1878, either in English or in the language of the district.

5. He shall at the time of purchase of any arms, or ammunition, endorse upon the licence of every purchaser holding a licence in Form XVI, XVII, XVIII, XIX or XX—

(*a*) the name, description and residence of the person who takes delivery of the articles sold,
(*b*) the nature and quantity of the articles sold, and
(*c*) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Central Government may direct.

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8. He shall not sell to any person, licensed to possess or a carry arms, ammunition in excess of the maximum which may be fixed by the Central Government for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Officer, non-commissioned officer or soldier of the Armed Forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores, or unless he is specially authorised in this behalf by the Central Government, keep or sell revolvers manufactured out of India or magazine pistols.

Explanation.—For the purposes of this condition—

(*a*) "Government Arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition", and "Government military stores", mean, respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to the Government.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition, without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

13. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the licence.

14. Chlorates shall be kept in a building constructed of uninflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance of not less than 10 feet:

Provided that where the total quantity stored does not exceed 200 lbs. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

15. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 3:

Provided that where the quantity of each does not exceed 200 lbs. sulphur and saltpetre can be kept in separate closed receptacles in the same room.

16. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 3. or in the vicinity of the receptacles mentioned in provisos to conditions 14 and 15.

17. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

18. Any accident, fire or explosion occurring within the premises specified in column 3 which is attended with loss of human life or serious injury to persons or property shall be reported at once by the licensee to the officer-in-charge of the nearest Police Station as well as to the Inspector of Explosives of the Circle concerned.

SCHEDULE VIII—*contd.*

Form X.

[*See* rule 26(1)(*b*)]

FEE—TEN RUPEES.

Licence to sell and keep for sale, arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).

Serial number of licence	Name, description and residence of licensee and of duly authorised agent or agents, if any	Place of business or shop	Description and number of arms	Description and quantity of ammunition or military stores	Date on which the licence expires
1	2	3	4	5	6
					The 31st December 19 .

The of——19 .

Seal.

(Signature)

Commissioner of Police,

District Magistrate of District.

Form for renewal of the Licence.

Date and year of renewal	Date on which the renewed licence expires	Signature of Commissioner of Police or District Magistrate

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The licensee shall maintain register of all arms, ammunition and military stores in stock, and of all sales, in such form as the Central Government may direct.

SCHEDULE VIII—*contd.* 479

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop a signboard, on which shall be painted in large letters in English and in the language of the district his name and the words "Licensed to deal in arms, ammunition and Military stores".

(2) He shall also affix in his place of business or shop a copy of Section 28 of the Indian Arms Act, 1878, in English or in the language of the district.

5. He shall at the time of purchase of any arms or ammunition endorse upon the licence of every purchaser holding a license in Form XVI, XVII, XVIII, XIX or XX :—

(*a*) the name, description and residence of the person who takes delivery of the articles sold,

(*b*) the nature and quantity of the articles sold, and

(*c*) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Central Government may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Central Government for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an officer, non-commissioned officer or soldier of the Armed Forces of the Union, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Central Government, keep or sell revolvers manufactured out of India or magazine pistols.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapen which is the property of the Government ; and

(*b*) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition, without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

13. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

14. Chlorates shall be kept in a building constructed of uninflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance of not less than 10 feet :

Provided that where the total quantity stored does not exceed 20 lbs. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

15. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 3:

Provided that where the quantity of each does not exceed 200 lbs. sulphur and saltpetre can be kept in separate closed receptacles in the same room.

16. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 3, or in the vicinity of the receptacles mentioned in provisos to conditions 14 and 15.

17. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get those installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

18. Any accident, fire or explosion occurring within the premises specified in column 3 which is attended with loss of human life or serious injury to person or property shall be reported at once by the licensee to the officer-in-charge of the nearest police-station as well as to the Inspector of Explosives of the Circle concerned.

Form XI.

[*See* rule 26(2) (*a*)]

FEE—

(*a*) where the licensee holds a licence in Form IX FREE OF ALL CHARGE;
(*b*) in all other cases,—TWENTY RUPEES.

Licence to manufacture, convert, sell or keep for sale breech-loading rifles, parts of breech-loading rifles, rifle ammunition or military stores for rifles.

Serial number of licence	Name, description and residence of licensee, and of duly authorized agent or agents, if any	Place of business factory or shop	Description and number of arms		Description and quantity of ammunition or Military Stores		Date on which the licence expires
			To be manufactured or converted	To be sold or kept for sale	To be manufactured	To be sold or kept for sale	
1	2	3	4	5	6	7	8
							The 31st December 19 .

The of 19 .

Seal.

(Signature)

Secretary to the

SCHEDULE VIII—*contd.* 476

Form for renewal of the Licence.

Date and year of renewal	Date on which the renewed license expires	Signature of renewing authority

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Central Government may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English and in the language of the district his name and the words "Licensed to deal in breech-loading rifles, parts of breech-loading rifles, rifle ammunition and military stores for rifles".

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Indian Arms Act, 1878, either in English or in the language of the district.

5. He shall at the time of purchase of any arms, or ammunition endorse upon the licence of every purchaser holding a licence in Form XVI, XVII, XVIII, XIX or XX—

(*a*) the name, description and residence of the person who takes delivery of the articles sold,

(*b*) the nature and quantity of the articles sold, and

(*c*) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Central Government may direct.

8. He shall not sell to any person, licensed to possess or carry arms, rifle ammunition in excess of the maximum, which may be fixed by the Central Government to such person and which is endorsed on such person's licence.

9. He shall not sell breech-loading rifles, parts of breech-loading rifles, rifle ammunition or military stores for rifles elsewhere than at the place of business, factory or shop specified in column 3.

Form XI—*contd.*

10. He shall not keep Government arms, ammunition or military stores.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

11. He shall not sell arms, ammunition or military stores to an officer, non-commissioned officer or soldier of Armed Forces of the Union, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

Form XII.

[*See* rule 26 (2) (*b*).]

FEE

(*a*) where the licensee already holds a licence in Form X, FREE OF ALL CHARGE;

(*b*) in all other cases, TEN RUPEES.

Licence to sell and keep for sale breech-loading rifles, parts of breech-loading rifles, rifle ammunition or military stores for rifles.

Serial number of licence	Name, description and residence of licensee, and of duly authorised agent or agents, if any	Place of business or shop	Description and number of arms	Description and quantity of ammunition or military stores	Date on which the licence expires
1	2	3	4	5	6
					The 31st December 19 .

(Signature)

The of 19 .

Secretary to the

SCHEDULE VIII—*contd.* 478

Form for renewal of the Licence.

Date and year of renewal	Date on which the renewed licence expires	Signature of renewing authority

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock and of all sales, in such form as the Central Government may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop a signboard, on which shall be painted in large letters in English and in the language of the district his name and the words "Licensed to deal in breech-loading rifles, parts of breech-loading rifles, rifle ammunition and military stores for rifles".

(2) He shall also affix in his place of business or shop a copy of section 28 of the Indian Arms Act, 1878, in English or in the language of the district.

5. He shall at the time of purchase of any arms or ammunition endorse upon the licence of every purchaser holding a licence in Form XVI, XVII, XVIII, XIX or XX—

(*a*) the name, description and residence of the person who takes delivery of the articles sold,

(*b*) the nature and quantity of the articles sold, and

(*c*) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Central Government may direct.

8. He shall not sell to any person, licensed to possess or carry arms, rifle ammunition in excess of the maximum which may be fixed by the Central Government or such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

10. He shall not keep Government arms, ammunition or military stores.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

SCHEDULE VIII—*contd.* 479

(*b*) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

11. He shall not sell arms, ammunition or military stores to an officer, non-commissioned officer or soldier of the Armed Forces of the Union, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

Form XIII

(*See* rule 27)

FREE OF ALL FEE

Licence for the possession by holders of licences in Form IX, X, XI or XII, of firearms and ammunition deposited by their owners for safe keeping.

Name, description and residence of licensee and of duly authorised agent or agents, if any	Description of firearms	Place (with description, where articles are to be kept)	*Period for which the licence is valid
(1)	(2)	(3)	(4)

The of 19 .

Seal.

(Signature

Commissioner of Police

District Magistrate of the District.

Sub-Divisional Magistrate, District

NOTE.—A licence in this form wil be granted for a period ending on the day on which the licensee's licence in Form IX, X, XI or XII as the case may be, is due to expire.

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. It covers only firearms and ammunition of the description given in column 2 so long as they are kept in the place described in column 3, but does not authorise the licensee—

(*i*) to go armed, or

(*ii*) to keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of Government; and

SCHEDULE VIII—*contd.* 480

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

3. The licensee shall maintain a register of all arms and ammunition in his possession under this licence in such form as the Central Government may direct.

4. He shall exhibit such arms and ammunition and his register on the demand, of any Magistrate or any Police Officer of a rank not below that of Inspector or if the Central Government so direct, of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest police-station, of the loss or theft of any arms or ammunition covered by the licence.

Form XIV

(*See* rule 29)

FREE OF ALL FEE

Licence for the possession of arms (other than pistols or revolvers), ammunition on military stores.

Name, description and residence of licensee and agent (if any) (1)	Number and description of arms (2)	Ammunition or Military Stores		Place (with description where articles are to be kept) (5)	Period for which the licensee is valid. (6)
		Description (3)	Quantity (4)		

(Signature)

Seal.

Commissioner of Police
District Magistrate of the District.
Sub-Divisional Magistrate District.

The of 19 .

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. It covers only the arms, ammunition and stores specified in columns 2,3 and 4, so long as they are kept in the place described in column 5, but does not authorise the licensee—

(*i*) to go armed, or

(*ii*) to keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of Government; and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

Condition 2 (*ii*) may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

4. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms and ammunition covered by the licence.

5. The authority granting or renewing the licence has the right to inquire any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an inquiry.

6. Where a licence in this form is granted for the possession of Potassium Chlorate by an educational institution, the following further conditions shall apply:—

(*a*) The quantity of chlorate stored should be the minimum required for laboratory purposes as certified by the Head of the Institution to the licensing authority.

(*b*) The stock of chlorate possessed should be kept in a well-made cupboard or almirah under lock and key under the control and supervision of a responsible member of the staff and the place where the chemicals are kept should be adequately secured.

(*c*) Accounts of issues and balances of chlorate possessed shall be kept and checked with the actual stock at frequent intervals by a responsible member of the staff. The account book should be available for inspection on demand by any Magistrate or any Police Officer of a rank not below that of Inspector.

NOTE.—1. A licence in this form may be granted for any period not exceeding three years.

NOTE.—2. Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in charge of the nearest police station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

FORM XV.

(*See* rule 30).

FEE—

(*a*) for each breech-loading pistol or revolver—TEN RUPEES;

(*b*) for any other breech-loading weapon—FIVE RUPEES;

(*c*) for other weapons—EIGHT ANNAS in disarmed districts, and FOUR ANNAS elsewhere, for each weapon.

The abovementioned fees are for licences granted for periods of one year or less. A licence in this form may be granted for any period exceeding one year and not exceeding three years, in which case a compounded fee shall be levied.

SCHEDULE VIII—*contd.* 482

Licence for the possession and use, for the purpose of target practice, of firearms and ammunition.

Serial number of licence	Name, description and location of mess, club or association	Arms or ammunition that licensee is entitled to possess			Place within which the licence is valid	Date on which the licence expires unless renewed to be in force under the proviso* to sub-rule (1) of rule 40	Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under sub-rule (1) of rule 40
		Description	Quantity				
			Maximum to be possessed at any one time	Maximum purchaseable during the year			
1	2	3	4		5	6	7

(Signature)

Seal.

Commissioner of Police.....

District Magistrate of the.....District.

Sub-Divisional Magistrate,.....District.

The of 19 .

* Provided that where a licence is granted in Form XV, XVI, XVII or XIX, for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878 (XI of 1878), and of the Indian Arms Rules, 1951.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

3. The mess, club or association, at the time of purchasing any arms or ammunition shall cause the following particulars to be endorsed upon its licence under the vendor's signature, namely :—

(*a*) the name, description and residence of the person who takes delivery of the articles purchased on behalf of the mess, club or association ;

(*b*) the nature and quantity of the articles purchased ; and

(*c*) the date of purchase ;

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (*b*) and (*c*) to be furnished in writing to the authority who granted this licence within such period as may be

prescribed by that authority for this purpose. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

4. The mess, club or association shall not purchase ammunition in excess of the maximum which may, from time to time, be fixed by the Central Government or in the State of Madras, by the Board of Revenue. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time.

5. The mess, club or association shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

6. The licence does not authorise any member of the mess, club or association to keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured in a Government factory or prepared for and supplied to Government.

7. The Central Government or in the State of Madras, the Board of Revenue may require any firearm or ammunition possessed by the mess, club or association to be registered in such manner as the Central Government or in the State of Madras, the Board of Revenue thinks fit.

8. The authority granting or renewing the licence has the right to inquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such inquiry.

NOTE.—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in charge of the nearest police station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

FORM XVI.

(*See* rule 31)

FEE—

I. The fees payable in respect of the initial grant and each subsequent renewal of licences in this form shall be at the following annual rates:—

Nature of weapon	For initial grant		For each renewal	
	Rs.	as.	Rs.	as.
1. Breech-loading pistol or revolver	10	0	5	0
2. Any other breech-loading weapon	5	0	2	8
3. Any weapon other than a breech-loading weapon—				
(i) in disarmed district	0	8	0	8
(ii) elsewhere	0	4	0	4

II. No fees shall be charged in respect of licences granted for ammunition of the kind referred to in clause (ii) of the proviso to sub-rule (1) of rule 31.

SCHEDULE VIII—*contd.* 484

III. The reduced fees for renewal will ordinarily be available only if application for renewal is made within one month after the date of expiry of the licence; and if application is not made within that period, the licensing authority may, in his discretion, levy fees at the rate for the initial grant of the licence.

IV. A licence in this form may be granted or renewed for any period not exceeding three years, and the fee shall in all cases be calculated at the annual rates prescribed in paragraph I, fractions of a year being taken as one whole year.

Licence for the possession of arms and ammunition and for going armed for the sport.

purposes of protection.

display.

Serial No. of licence	Name, description and residence of licensee and agent, if any	Arms and ammunition that licence is entitled to possess			Name, father's name and address of retailer (if any) covered by the licence	Arms or ammunition that retainer is entitled to possess		Area within which the licence is valid	Date on which licence expires, unless previously cancelling to be in force under the proviso* to sub-rule (1) of rule 40	Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under the proviso* to sub-rule (1) of rule 40
		Brief description of each weapon with details, e.g. distinguishing marks, register number, e.c.	Quantity and description of each kind of ammunition			Arms	Ammunition			
			Maximum to be possessed at any one time	Maximum purchasable during the year						
1	2	3	4		5	6	7	8	9	10

The of 19

(Signature)

Seal.

Commissioner of Police,.....

Deputy Commissioner of Police.....

District Magistrate of the.....District.

Sub-Divisional Magistrate of the.....District.

Ambassador of India in Nepal.....

Chief Secretary to the Government of.....State.

* Provided that where a licence is granted in Form XV, XVI, XVII or XIX for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that within a period specified by him in this behalf which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

SCHEDULE VIII—*contd.*

Form of renewal of licence.

Date and year	Date on which renewed licence expires	Signature
		Seal. Commissioner of Police Deputy Commissioner of Police District Magistrate, ————District. Sub-Divisional Magistrate, ————Sub-division, ————District. *Ambassador of India in Nepal* Chief Secretary to the Government of— ————State.
		Seal. Commissioner of Police Deputy Commissioner of Police District Magistrate, ————District. Sub-Divisional Magistrate ————Sub-Division, ————District. *Ambassador of India in Nepal* Chief Secretary to the Government of ————State.

SCHEDULE VIII—*contd.* 486

Conditions.

1 This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2 It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 5.

3 This license is valid to the extent specified in column 8, subject in the case of a licence having effect outside the State in which it is granted or renewed to any restrictions which may be imposed by any general or special order of the Central Government.

4 The licensee or any retainer acting under this licence shall not go armed with any arms covered thereby otherwise than in good faith for the purpose of sport
protection ; and, save where he is specially authorised in this behalf in any Presi-
display
dency-town, by the Commissioner of Police, or, in any other place, by the District Magistrate or a Sub-Divisional Magistrate, he shall not take any such arms to a fair, religious procession or other public assemblage.

5 The licensee, at the time of purchasing any arms or ammunition shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely,—

(*a*) the name, description and residence of the person who takes delivery of the articles purchased ;
(*b*) the nature and quantity of the articles purchased ; and
(*c*) the date of purchase ;

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall however, be permitted except on a written certificate from the licence certifying that with the amount proposed to be purchased, the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

6 He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time. If, however, a licence exhausts the total quantity of ammunition purchasable in a year, earlier than the close of the year, he may for good and sufficient reasons be given a temporary increase in the total quantity purchasable at the discretion of the licencing authority.

7 He shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the license.

8 He shall not possess Government arms and ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government ; and
(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

SCHEDULE VIII—*contd.* 487

9 Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms and ammunition with the licensee is authorised to possess.

10 Where the licence is granted for the purpose of sport, the licensee or any retainer acting under the licence shall observe such close reason as may by prescibed by the State Government concerned in respect of the game-birds and animals hereinafter set forth below.

11 The licensee shall report any change of his permanent residence either to the authority who granted him the licence, or, in the event of the licence having been renewed by some other authority on a previous occasion of change of permanent residence, then to such authority. In case of any change of residence whether permanent or temporary, he may at his option, apply to the nearest licensing authority for renewal of this licence, should it be necessary.

12 The authority granting or renewing the licence has the right to inquire at any time during the currency of the icence whether the weapon or weapons for which it has been granted is or still in the possession of the licensee and to require its or their production for the purposes of such inquiry.

NOTE 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act 1878.)

NOTE 2.—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person excepted under section 7 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in charge of the nearest police-station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

Form XVI A

(*See* rule 31)

FREE OF ALL FEE.

Licence for the possession by a retainer of arms and ammunition and for going armed for the purpose of ~~*sport*~~ ~~*protection*~~ *display.*

Serial No. of licence.	Name, description and residence of person exempted under Schedule I, nominating licensee	Name and residence of licensee	Name and residence of father of licensee	Arms or ammunition that licensee is entitled to possess		Extent of validity of licence, *i.e.*, throughout India, State or district	Date on which licence expires
				Brief description of each weapon with details, *e.g.*, distinguishing marks, register number etc.	Quantity and description of each kind of ammunition		
1	2	3	4	5	6	7	8
							Or the date on which the person specified in column 2 ceases to be exempted under Schedule I, whichever is earlier.

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Seal.

(Signature)

Commissioner of Police,

Deputy Commissioner of Police,

District Magistrate of the District.

Sub-Divisional Magistrate, District.

Chief Secretary to the Govt. of State.

SCHEDULE VIII—*contd.*

484

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. It covers only the person named in column 3 of this licence and the arm and ammunition described in columns 5 and 6.

3. This licence is valid to the extent specified in column 7, subject in the case of a licence having effect outside the State in which it is granted or renewed, to any restrictions which may be imposed by any general or special order of the Central Government.

4. This licence shall only be granted to a person nominated in that behalf and certified to be his own retainer by a person exempted under Schedule I to these rules, and it shall only be granted in respect of the arms and ammunition specified in this behalf by and being the property of such exempted person.

5. This licence may be granted or renewed for any period not exceeding one year, provided that it shall expire on the date on which the person specified in column 2 of this licence ceases to be exempted under Schedule I to these rules, where such date is prior to the date on which it would ordinarily expire.

6. The licensee shall not go armed with any arms covered by this licence otherwise than in good faith for the purpose of sport / protection / display; and save where he is specially authorised in this behalf, in any Presidency-town, by the Commissioner of Police, or, in any other place, by the District Magistrate or a Sub-Divisional Magistrate, he shall not take any such arms to a fair, religious procession or other public assemblage.

7. He shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

8. He shall not possess Government arms and ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arms" means a firearm or other weapon which is the property of Government, and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

9. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

10. Where the licence is granted for the purpose of sport, the licensee shall observe such close season as may be prescribed by the State Government concerned in respect of the game birds and animals hereinafter set forth below.

11. The licensee shall report any change of his permanent residence either to the authority who granted him the licence, or, in the event of the licence having been renewed by some other authority on a previous occasion of change of permanent residence, then to such authority. In case of any change of residence, whether permanent or temporary, he may at his option, apply to the nearest licensing authority for renewal of this licence, should it be necessary.

SCHEDULE VIII—*contd.* 490

12. The authority granting or renewing the licence has the right to inquire at any time during the currency of the licence, whether the weapon or weapons or which it has been granted is or are still in the possession of the licensee, and to require its or their production for the purposes of such inquiry.

NOTE 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

NOTE 2.—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act), they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in-charge of nearest police station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

Form XVII

(*See* rule 32).

FEE FOR EACH WEAPON—ONE RUPEE.

Temporary licence for the possession of arms and going armed during the period occupied in journeying from the port or other place of arrival in a Part A State or a Part C State to place of destination.

Name and description of licensee	Arms or ammunition that licensee is entitled to possess		Place of destination	Period for which the licence is valid
	Brief description of each weapon	Quantity and description of each kind of ammunition		
1	2	3	4	5

Date on which copy is sent to the

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Seal.

Commissioner of Police,
District Magistrate of the District.
Chief Secretary to the Govt. of State.

(Signature)

Commissioner of Police,
District Magistrate, District.

SCHEDULE VIII—*contd.* 42

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. It covers only the persons named, and the arms and ammunition, described therein.

3. The licensee shall not, unless specially empowered in this behalf by the authority granting the licence, go armed to a fair, religious procession or other public assemblage.

4. The licensee shall not go armed with Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to the Government.

5. Condition 4 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

6. The licensee shall, on arrival at his destination, if such place is situated in a Part A State or a Part C State forthwith apply to the nearest licensing authority for a licence in Form XIV or Form XVI in respect of the arms and ammunition described herein and shall at the same time deliver this licence in original to that authority.

NOTE 1—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

NOTE 2—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in-charge of the nearest police-station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

FORM XVIII.

FREE OF ALL FEE

(*See* rule 33).

Licence for the possession of arms and ammunition and for going armed for destruction of wild animals which do injury to human beings or cattle.

Name, description and residence of licensee	Arms and ammunition			Place or area for which the licence is granted	Specification of the wild beasts which may be destroyed under this licence	*Period for which the licence is valid unless previously ceasing to be in force under the †proviso to sub-rule (1) of rule 40	Title and residence of Magistrate to whom the licence and weapon must be shown between the 15th November and the 31st December	Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under sub-rule (1) of rule 40
	Brief description of each weapon with details, *e.g.* registered No. and other distinguishing marks	Quantity and description of each kind of ammunition						
		Maximum to be possessed at any one time	Maximum purchasable during the year					
1	2	3		4	5	6	7	8

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Seal.

(Signature)
District Magistrate of the District.

Sub-Divisional Magistrate, District.

* NOTE.—A licence in this Form may be granted for any period not exceeding three years.

† Provided that where a licence is granted in Form XV, XVI, XVIII or XIX for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both as the case may be, the licence shall cease to be in force.

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SCHEDULE VIII—*contd.* 494

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. Once every year, between the 15th November and the 31st December, the licensee shall produce this licence and every weapon covered thereby before the Magistrate referred to in column 7.

3. He shall not go armed with any arms covered by this licence otherwise than in good faith for the destruction of wild animals which do injury to human beings or cattle, nor shall he take any such arms to a fair, religious procession or other public assemblage, or to any considerable distance beyond the place or area entered in column 4.

4. He shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

5. He shall not keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a fire arm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

6. Condition 5 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

7. He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time.

8. At the time of purchasing any arms or ammunition he shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely :—

(*a*) the name, description and residence of the person who takes delivery of the articles purchased ;

(*b*) the nature and quantity of the articles purchased ; and

(*c*) the date of purchase;

and if the arms are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (*b*) and (*c*) to be furnished, in writing, to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammuntions shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

9. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void—

(*a*) the licensee dies, or

495

(*b*) any weapon covered thereby—

(*i*) is sold, or

(*ii*) is attached in execution of a decree.

10. The authority granting or renewing the licence has the right to inquire at any time during the currency of the licence whether any weapon for which it has been granted is still in the possession of the licensee and to require the production of the weapon for the purposes of such inquiry.

NOTE.—1. Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878).

NOTE.—2. Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer-in-charge of the nearest police-station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

Form XIX.

FREE OF ALL FEE.

(*See* rule 34).

Licence for the possession of arms and ammunition and for going armed for the destruction of wild animals doing injury to crops or cattle.

Name, description and residence of licensee	Name and description of any member of the licensee's family, or servant employed to watch crops or cattle, residing with him, by whom the arms covered by this licence may also be used	Arms and ammunition			Place or area within which the licence is valid	*Period for which the licence is valid unless previously ceasing to be in force under the †proviso to sub-rule (1) of rule 40	Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under sub-rule (1) of rule 40
		Brief description of each weapon with details, *e.g.*, Registered No. and other distinguishing marks	Quantity and description of each kind of ammunition				
			Maximum to be possessed at any one time	Maximum purchasable during the year			
1	2	3	4		5	6	7

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District Magistrate of the District.

Sub-Divisional Magistrate, District.

*NOTE.—A licence in this Form may be granted for a period not exceeding three years.

† Provided that where a licence is granted in Form XV, XVI, XVIII or XIX for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, licence shall cease to be in force.

497

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. The licensee shall not go armed with any arms covered by this licence otherwise than in good faith for the destruction or driving away of wild animals which do injury to the crops or cattle situated in the area specified in the licence.

3. He shall not use any arms covered by this licence otherwise than in the place or area in which the licence is valid.

4. He shall not lend any arms or ammunition covered by this licence to any person, other than a member of his family or servant who may be employed by him to protect the crops or cattle situated in the area specified in the licence and who is mentioned in column 2 of the licence.

5 He shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

6. The licensee shall not keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

7. Condition 6 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

8. He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government; such maximum may be prescribed both for the amount purchasable in a calender year and for the amount that may be possessed at any one time. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

9. This licence shall be void if the licensee commits a breach of any of the above conditions if the licensee dies or if any weapon covered thereby—

(*i*) is sold,

(*ii*) is attached in execution of a decree.

10. The authority granting or renewing the licensee has the right to inquire at any time during the currency of the licence whether any weapon for which it has been granted is still in the possession of the licensee, and to require production of the weapon for the purposes of such inquiry.

NOTE 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

NOTE 2.—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act), they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer in charge of the nearest police-station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

Form XX

(*See* Rule 35)

FEES—(*i*) *when granted under Rule* 35 (1) (*a*) *and* (*b*), *Four annas for each weapon.*
(*ii*) *when granted under Rule* 35 (1) (*c*) *and* (*d*), *Free of all fee.*

Exception.—A fee of TEN RUPEES is charged for a licence in this Form in respect of a pistol or a revolver in all Part A States and Part C States.

Licence for going armed on a journey in or through any Part A State or Part C State.

Name, description and residence of licensee and agent (if any)	Arms or Ammunition that licensee is entitled to carry		Retainers (if any) covered by the licence					Place of departure route and place of destination	Period which the journey is likely to occupy	Period for which the licence is valid
	Brief description of each weapon with details, *e.g.*, registered No. and other distinguishing mark	Quantity and description of each kind of ammunition	Name of retainer	Name of retainer's father	Address of retainer	Arms or Ammunition that retainer is entitled to carry				
						Description	Quantity			
1	2	3	4	5	6	7	8	9	10	11
										From the to the 19 .

(Signature)

Commissioner of Police.

District Magistrate of the District.

Sub-Divisional Magistrate, District.

Chief Secretary to the Government of State

Ambassador of India in Nepal.

Seal.

Conditions. 499

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1951.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 4.

3. The licensee or any retainer acting under this licence shall not, unless specially empowered in this behalf by the authority granting the licence, go armed to a fair, religious procession or other public assemblage.

4. He shall not go armed with Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to the Government.

5. He shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

NOTE 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878).

NOTE 2.—Licensees are warned that in case they sell any arms or ammunition covered by the licences possessed by them to any person (other than a person exempted under section 27 of the Act) they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Magistrate of the district or to the officer incharge of the nearest police-station. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both.

[No. F-15/60/47-Police-(I)]

U. K. GHOSHAL, Dy. Secy.

NOTIFICATION.

500

No. S.R. 7971—Regis. 22-51-4, dated Bangalore, 19th February 1952.

In exercise of the powers conferred by Section 5 of the Indian Registration Act, 1908 (Central Act XVI of 1908), His Highness the Maharaja of Mysore is pleased to direct the alteration in the limits of the Sub-Districts of T.-Narasipur and Bannur for the purposes of the said Act, and the altered limits are specified hereunder.

The alteration shall take effect from the *First day of April 1952.*

T.-Narasipur.

Sl. No.	Name of the Village.	Sl. No.	Name of the Village.
1	Akkur	40	Basavanapura
2	Agastapura	41	Bilugalee
3	Alagudu	42	Bettahalli
4	Adibettahalli	43	Byrapura
5	Iggali (Hariharapura)	44	Bommanayakanahalli
6	Indavalu	45	Maradipura
7	Eashwaragowdanahalli	46	Mavinahalli
8	Kaliyuru	47	Malangi
9	Kalkunda	48	Madrahalli
10	Kannahalli	49	Madavadee
11	Karoohatti	50	Madapura
12	Kamahalli	51	Maranapura
13	Kahalli	52	Muttatti
14	Tiragasuru	53	Muguru
15	Kuppa	54	Megadahalli
16	Kuruburu	55	Madegowdnahundi
17	Kudlur	56	Yadadore
18	Kukkuru	57	Yaraganahalli
19	Kethahalli	58	Rangasamudra
20	Koppalu (Kaligundi)	59	Ramanathapuradahundi
21	Kottagala	60	Ranganathapura
22	Gargeshwari	61	Vadeyandahalli
23	Gejjaganahalli	62	Vatalu
24	Chandahalli	63	Vijapura
25	Channanjavaderapura	64	Sujjaluru
26	Chennambahalli	65	Settahalli
27	Chowhalli	66	Hakanuru
28	Danayakanapura	67	Haroopura
29	Talakadu	68	Hiriyuru
30	Tirumakudalu	69	Hittuvalli
31	Tayuru	70	Hunasuru
32	Tumbala	71	Hunaganahalli
33	Tottawadi	72	Hemmige
34	Doddapura	73	Honakote
35	Narasipura	74	Hosapura
36	Nilasoge	75	Hosahalli
37	Pattehundee	76	Holasalu
38	Piluhalli	77	Honnur
39	Bannahalli	78	Sosale

Sl. No.	Name of the Village.
79	Binakanaballi
80	Megadaballi
81	Muthalavadi
82	Karagahalli
83	Chikkabuvalli
84	Kyamballi
85	Horalahalli
86	Naragyathanaballi
87	Hasuvalli
88	Kannayakanahalli
89	Thammadipura
90	Chikkalaxmipura
91	Doddabagilu
92	Konagahalli
93	Halavara
94	Kolathuru
95	Ramegowdanapura
96	Krishnarajapura—Agrahara
97	Budahalli
98	Nagalagere

Bannur.

Sl. No.	Name of the Village.
1	Attahalli
2	Ankahalli
3	Aravattige Koppal
4	Anasale
5	Avverahalli
6	Uddibagur
7	Ukkalagere
8	Kodagahalli
9	Kunthanahalli
10	Kallipura
11	Kempanapura
12	Kanchanahalli
13	Kethupura
14	Kiragaval
15	Kalkuni
16	Kebbepura
17	Goravanahalli
18	Ganigarakoppal
19	Chamanahalli
20	Chidaravalli
21	Chimmali
22	Chikkamuluguda
23	Thuruganur
24	Doddamulugudu
25	Doddalakshmipura
26	Doddapura
27	Desavalli
28	Nanjapura
29	Bannur
30	Beedanahalli
31	Bugathagalalli
32	Bettahalli
33	Banagavadi
34	Basavanahalli
	(Kirgaval Hobli).
35	Bommanahalli
36	Bevinahalli
37	Bagur
38	Bendravadi
39	Basavanahalli
	(Bannur Hobli).
40	Madigahalli
41	Maliyur
	(Kimgaval Hobli).
42	Menacikyathanahalli
43	Mudukanapura
44	Mikkere
45	Maganahalli
46	Markulu
47	Maliyur
	(Bannur Hobli)
48	Maragowdanahalli
49	Yachenahalli
50	Yedahalli
51	Ramanduru
52	Virajipura
53	Seehalli
54	Seegodipura
55	Senapathihalli
56	Somanathapura
57	Soorkahalli
58	Hanumanalu
59	Hunasagahalli
60	Hegguru
61	Halavaradamutt
62	Huvinakoppalu
63	Honaganaballi
64	Hanakola

By Order of His Highness the Maharaja,

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 2237—Legis. 73-51-1, dated Bangalore, the 1st March 1952.

Ordered that the accompanying Mysore Irrigation (Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 21st day of February 1952, be published as Mysore Act No. VII of 1952, in the *Mysore Gazette*, for general information.

MYSORE ACT No. VII OF 1952.

THE MYSORE IRRIGATION (AMENDMENT) ACT, 1952.

Received the assent of His Highness the Maharaja on the twenty-first day of February 1952.

An Act further to amend the Mysore Irrigation Act, 1932.

WHEREAS it is expedient further to amend the Mysore Irrigation Act, 1932, (Mysore Act I of 1932), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Irrigation (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Mysore Irrigation Act, 1932, (hereinafter referred to as the said Act),— Amendment of section 3 of Mysore Act I of 1932.

(*a*) after clause (4), the following clause shall be inserted, namely :—

"(4-A) 'Chief Engineer' means the Chief Engineer to the Government in charge of the Public Works Department;"

(*b*) after clause (5), the following clause shall be inserted, namely :—

"(5-A) 'Canal Officer' means an Officer appointed by the Government to exercise all or any of the powers of a Canal Officer in respect of any canal area notified in this behalf by the Government in the *Mysore Gazette*;"

(*c*) after clause (10), the following clauses shall be added, namely :—

"(11) 'Government' means the State Government;

(12) 'prescribed' means prescribed by rules made by the Government under this Act."

Amendment of section 4 of Mysore Act I of 1932.

3. In section 4 of the said Act, after the words "Deputy Commissioner", a comma and the words "the Canal Officer" shall be inserted.

Amendment of sections 5 and 6 of Mysore Act I of 1932.

4. In sections 5 and 6 of the said Act, for the words "Irrigation Officer", the words "Canal Officer or Irrigation Officer" shall be substituted.

Amendment of section 7 of Mysore Act I of 1932.

5. In section 7 of the said Act, for the words "an Irrigation Officer", the words "a Canal Officer or an Irrigation Officer" shall be substituted.

Omission of the words "of the District" in sections 8, 12, 13 and 16 of Mysore Act I of 1932.

6. The words "of the District" occurring in sections 8, 12, 13 and 16 of the said Act, shall be omitted.

Amendment of section 8 of Mysore Act I of 1932.

7. In sub-section (1) of section 8 of the said Act, for the words "Revenue Commissioner", the words "Chief Engineer" shall be substituted.

Amendment of section 13 of Mysore Act I of 1932.

8. In section 13 of the said Act—

(1) in sub-section (1), for the words "or any other officer specially empowered by the Government

in this behalf", the words "or the Canal Officer" shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) From the order of a Deputy Commissioner or a Canal Officer under sub-section (1), an appeal shall lie to the Chief Engineer within ninety days from the date of such order."

9. In sub-section (1) of section 16 of the said Act for the words " An Irrigation Officer ", the words, figure and letter "Subject to the provisions of section 16-A, an Irrigation Officer" shall be substituted; and for the words " wet crops", the words " paddy, sugarcane or any perennial crop or intermittent irrigated dry crops" shall be substituted.

Amendment of section 16 of Mysore Act I of 1932.

10. After section 16 of the said Act, the following section shall be inserted, namely :—

Insertion of a new section 16-A in Mysore Act I of 1932.

" 16-A. (1) An officer, not below the rank of an Executive Engineer authorised by the Government in this behalf, may, in consultation with the Deputy Commissioner or the Canal Officer and the Irrigation Panchayet or Irrigation Board, if any, having jurisdiction over the irrigable area in which the land is situated, specify, by notification published in such manner as may be prescribed, the kind of crop that shall be grown on any land under any irrigation work, and the period of sowing and planting such crop.

Power to prescribe the kind of crop to be grown under an irrigable area and the period of sowing such crop.

(2) On the publication of a notification under sub-section (1), no person shall grow or allow any crop other than the crop specified in such notification to be grown on any land under such irrigation work and no person shall sow or plant or allow the sowing or planting of crop at any time other than during the period specified in such notification."

Insertion of new section 17-A in Mysore Act I of 1932.

11. After section 17 of the said Act, the following section shall be inserted, namely :—

Acquisition of land to ensure supply of water.

"**17-A.** If it is necessary to acquire any land for the purposes of this Chapter, an officer not below the rank of an Assistant Commissioner, specially empowered by the Government in this behalf, may proceed to acquire the same under the provisions of the Mysore Land Acquisition Act, 1894."

Substitution of a new section for section 25 of Mysore Act I of 1932.

12. For section 25 of the said Act, the following section shall be substituted, namely :—

Preliminary enquiry to be held when the levy of acreage contribution or water rate or both is necessary for undertaking construction, restoration or improvement of an irrigation work.

"**25.** Whenever the construction, restoration or improvement of any irrigation work in any local area is proposed to be undertaken by the Government, the Sub-Divisional Officer in the Public Works Department having jurisdiction over such area, shall hold an enquiry in the manner hereinafter provided, and shall prepare a scheme indicating the area irrigable by such irrigation work and specifying the rates of contribution and water rates which may be levied in respect of the lands in such area.

Explanation.—Improvement in this Chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation."

Amendment of section 26 of Mysore Act I of 1932.

13. In section 26 of the said Act, for the words "The Deputy Commissioner or other officer appointed to make an enquiry", the words "The Sub-Divisional Officer holding enquiry under section 25" shall be substituted.

14. For sections 27 and 28 of the said Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 27 and 28 of Mysore Act I of 1932.

"27. On the date fixed for holding an enquiry under section 26 or on such other date to which the enquiry may be adjourned, the Sub-Divisional Officer shall hold a formal enquiry in the manner provided in the Mysore Land Revenue Code, 1888, and after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, shall embody his proceedings in a report and submit it to the Government, together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them. Report of the enquiring officer.

28. On receipt of the report under section 27, the Government may, after such further enquiry, if any, as they may make, either abandon the scheme or proceed with the scheme in the original form or with such modifications as they may consider necessary. Government may abandon scheme or proceed with it with modifications

28-A. The Government may, by notification in the *Mysore Gazette*, declare that the provisions of sections 25, 26 and 27 shall not apply to the construction or restoration or improvement of any irrigation work or any class of irrigation works and on the publication of such declaration, a scheme prepared by such officer as the Government may appoint, shall be dealt with under section 28, as if it were a scheme submitted under section 27." Government may exclude operation of sections 25, 26 and 27.

15. In section 29 of the said Act,— Amendment of section 29 of Mysore Act I of 1932.

(1) in sub-section (1), clauses (*a*), (*b*) and (*f*) shall be omitted and clauses (*c*), (*d*) and (*e*) shall be re-lettered as clauses (*a*), (*b*) and (*c*);

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The contribution referred to in clause (*b*) of sub-section (1) shall not in the case of restoration or improvement of any minor tank exceed two hundred rupees per acre in respect of the lands in the benefited area.

Explanation.—'minor tank' in this sub-section means a minor tank as defined in section 2 of the Tank Panchayat Act, 1911."

(3) in sub-section (3) for the brackets and letter "(*e*)", the brackets and letter "(*c*)" shall be substituted;

(4) sub-section (4) shall be omitted.

16. In section 30 of the said Act, after the words "Deputy Commissioner" in the two places where they occur, the words "of the district" shall be inserted.

17. After Chapter VI of the said Act, the following Chapter shall be inserted, namely:—

"CHAPTER VI-A.

OF THE MAINTENANCE OF MINOR IRRIGATION WORKS.

Interpretation of 'minor irrigation works' and 'order'.

30-A. In this Chapter,—

(*i*) "minor irrigation works" means such irrigation works as the Government may, from time to time, by notification in the *Mysore Gazette*, declare to be minor irrigation works for the purposes of this Chapter; and

(*ii*) "order" means an order published in the *Mysore Gazette*.

Declaration in respect of maintenance of minor irrigation works by Government.

30-B. (1) If the Government considers that in the interests of the proper irrigation of lands in any area, the work of maintenance in a fit state of repair of minor irrigation works in such area should be undertaken by the Government and the cost of such maintenance or any part thereof recovered from the holders of lands in the area

benefited by such minor irrigation works (hereinafter in this Chapter called the benefited area), the Government shall make a declaration to that effect.

(2) The declaration under sub-section (1) shall be published in the *Mysore Gazette* in English and Kannada and in such other manner as may be prescribed.

Consequences of the making of the declaration under section 30-B

30-C. (1) On the making of a declaration under sub-section (1) of section 30-B, the Government shall maintain in a fit state of repair such minor irrigation works and every holder of lands in the benefited area, shall pay to the Government an acreage contribution at such rates, not exceeding three rupees per acre per annum, as the Government may, by order, determine.

(2) Every order made under sub-section (1) shall be laid before the Mysore Legislative Assembly as soon as may be after it is made, and shall be subject to such modifications as the said Legislative Assembly may make on a motion made within seven days from the date on which the order is so laid.

Levy of contribution on lands within the benefited area.

30-D. When the Government undertakes the maintenance of any irrrigation work under sub-section (1) of section 30-C the Deputy Commissioner of the District shall, subject to such rules as may be prescribed in this behalf, levy from the holders of lands within the benefited area in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, acreage contribution per annum at the rates determined under section 30-C. Such contribution shall be recoverable as a revenue demand."

Amendment of section 31 of Mysore Act I of 1932.

18. In section 31 of the said Act,—

(*a*) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) In calling upon the able-bodied male persons to assist in the execution of any work by their labour under sub-section (1), no discrimination shall be made on grounds only of religion, race, caste or class or any of them."

(*b*) in sub-section (2), after the words "Deputy Commissioner", the words "and the Canal Officer" shall be added.

Amendment of section 45 of Mysore Act I of 1932.

19. In section 45 of the said Act, for the words "to the Revenue Commissioner" the words "to the Chief Engineer" shall be substituted.

Insertion of new sections 45-A, 45-B, 45-C, and 45-D before section 46 of Mysore Act I of 1932.

20. In Chapter X of the said Act, before section 46, the following sections shall be inserted, namely :—

Liability when person using water unauthorisedly cannot be identified.

"45-A. If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, the person or all the persons whose lands have derived benefit therefrom shall be liable, or jointly liable, as the case may be, for such charges as the Government may prescribe for such use."

Decision of questions under section 45-A.

45-B. (1) All questions arising under section 45-A shall be decided by orders, in writing, by the Irrigation Officer.

(2) From any order of the Irrigation Officer under sub-section (1), an appeal shall lie, within thirty days from the date of service of the said order on the person concerned, to the Deputy Commissioner, whose decision thereon shall be final.

Charges for unauthorised use or waste of water recoverable in addition to penalties.

45-C. All charges for the unauthorised use of water under section 45-A may be recovered as water rates, in addition to any penalties incurred on account of such use.

Interpretation of "water-course."

45-D. For the purposes of sections 45-A, 45-B, and 45-C 'water-course' includes any channel or pipe supplied with water from an irrigation work and which is maintained at the cost of the Government."

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21. In section 46 of the said Act,— Amendment of section 46 of Mysore Act I of 1932.

(*a*) after clause (*x*), the following clause shall be inserted, namely :—

"(*x-a*) contravenes the provisions of sub-section (2) of section 16-A";

(*b*) in the last paragraph,—

(i) after the figure and brackets "(*x*)", a comma and the figure, letter and brackets "(*x-a*)" shall be inserted ;

(ii) for the words "with fine which may extend to one hundred rupees", the words "with imprisonment for a term which may extend to two months or with fine which may extend to five hundred rupees or with both" shall be substituted ;

(iii) for the words "with fine which may extend to fifty rupees" the words "with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both" shall be substituted.

22. In section 52 of the said Act,— Amendment of section 52 of Mysore Act I of 1932.

(*a*) after the words "Revenue Commissioner" wherever they occur, the words "or Chief Engineer" shall be inserted ; and

(*b*) after the words "Deputy Commissioner", the words "or a Canal Officer" shall be inserted.

23. After section 52 of the said Act, the following section shall be inserted, namely :— Insertion of new section 52-A in Mysore Act I of 1932.

"52-A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Act shall be cognizable.", Offences under Act to be cognizable.

Amendment of Section 55 of Mysore Act I of 1932.

24. In section 55 of the said Act, after the word and figure "Chapter VI" the word, figure and letter "Chapter VI-A" shall be inserted.

Repeal of Mysore Act XIII of 1916.

25. The Minor Tank Restoration Act, 1916, is hereby repealed.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

Order No. L.D. 2238—Legis. 74-51-1, dated Bangalore, 1st March 1952.

Ordered that the accompanying Mysore Race-Courses Licensing Act, 1952, which received the assent of His Highness the Maharaja, on the 21st day of February 1952 be published as Mysore Act No VIII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. VIII OF 1952.

THE MYSORE RACE-COURSES LICENSING ACT, 1952.

(Received the assent of His Highness the Maharaja on the Twenty-first day of February, 1952.)

An Act to provide for the licensing of Race-Courses in the State of Mysore.

WHEREAS it is expedient to make provision for the licensing, regulation, control and management of horse-racing on race-courses and all matters connected therewith in the State of Mysore; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Race-Courses Licensing Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act,— Definitions.

(1) "Government" means the State Government;

(2) "horse-race" means any race in which any horse, mare or gelding runs, or is made to run, in competition with any other horse, mare or gelding for any prize of whatsoever nature or kind, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;

(3) "licence" means a licence granted under section 4 of this Act;

(4) "licensee" means a person licensed under section 4 of this Act;

(5) "permit" means a permit granted to a book-maker under sub-section (4) of section 4 of this Act;

(6) "prescribed" means prescribed by rules made under this Act;

(7) "race-course" means any ground on which a horse-race can be held.

Prohibition of horse-racing on unlicensed race-courses.

3. No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act, is in force.

Licences for horse-racing.

4. (1) The owner, lessee or occupier of any race-course may apply to the Government for a licence for horse-racing on such race-course.

(2) The Government may withhold such licence or grant it subject to such conditions and for such period as they may think fit.

(3) In particular and without prejudice to the generality of the foregoing power, such conditions may provide for—

(*a*) the payment of a licence fee;

(*b*) the maintenance of such accounts and furnishing of such returns as are required by the Betting Tax Act, 1932;

(*c*) the amount of stakes which may be allotted for different kinds of horses;

(*d*) the measures to be taken for the training of persons to become Jockeys;

(*e*) the measures to be taken to encourage Indian bred horses and Indian Jockeys;

(*f*) the inclusion or association of such persons as the Government may nominate as Stewards or members in the conduct and management of horse-racing;

(g) the utilisation of the amount collected by the licensee in the conduct and management of horse-racing;

(h) such other matters connected with horse-racing and the maintenance of the race-course for which, in the opinion of the Government, it is necessary or expedient to make provision in the licence.

(4) The Government may, by such licence, authorise the licensee to grant, subject to such conditions as may be specified by the Government in such licence, a permit to any book-maker for such period not exceeding the period of the licence granted to the licensee as the licensee may think fit.

(5) The Government may, at any time, suspend, cancel, or modify any of the conditions specified in, any licence or permit.

(6) The grant, cancellation or modification of any licence shall be published in the *Mysore Gazette*.

5. Whoever takes part in any horse-race on any race-course for which no licence is granted or for which a licence granted in accordance with the provisions of section 4 is not in force, shall be punishable with fine which may extend to five hundred rupees.

Penalty for taking part in horse-race on unlicensed race-course.

6. If any horse-race is held on any race-course for which a licence has not been granted or for which a licence granted is not in force, any person being the owner, lessee or occupier of such race-course, shall be punishable with fine which may extend to one thousand rupees.

Penalty for owner, etc., allowing racing on unlicensed race-course.

7. (1) If any person to whom a licence has been granted contravenes any of the conditions subject to which such licence was granted, such person shall, without prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

Penalty for contravening conditions of licence.

(2) If any person to whom a permit has been granted a licensee contravenes any of the conditions subject to ch such permit was granted, he shall, without

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prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

Saving of Orders.

8. The granting, refusing or cancellation of a licence and the conditions subject to which a licence or permit is granted shall be within the discretion of the Government and shall not be liable to be called in question in any court.

Cognizance of offences under the Act.

9. (1) No court inferior to that of a Magistrate of the First Class, shall try any offence under this Act and no person shall be prosecuted under this Act except with the previous sanction of the Government.

(2) All offences under this Act shall be compoundable.

Exemption.

10. The Government may, by general or special order published in the *Mysore Gazette*, exempt any horse-race from the operation of this Act.

Power to make rules.

11. (1) The Government may, by notification in the *Mysore Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(i) the form and manner in which applications for licences are to be made ;

(ii) the fees payable for such a licence ;

(iii) the period for which such licences are to be granted ;

(iv) the renewal, modification and cancellation of licences.

Amendment of Mysore Act V of 1908.

12. For paragraph (ii) of the exception to sub-clause (1) of clause (i) of section 4 of the Mysore Police Act, 1908, the following paragraph shall be substituted, namely :—

"(ii) in an enclosure which the licensee of the race-course on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Mysore Race-courses Licensing Act, 1951."

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13. In section 32 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, for clause (*a*), the following clause shall be substituted, namely :— Amendment of Mysore Act XXVII of 1951.

"(*a*) a licensee or a person to whom a permit has been granted under section 4 of the Mysore Race-courses Licensing Act, 1951, or to any entries in respect of any stake or bet received by such licensee or person ;"

14. The Betting Tax Act, 1932, shall be amended in the manner specified in the Schedule to this Act. Amendment of Mysore Act IX of 1932.

SCHEDULE.

(*See section 14*).

Amendments to the Betting Tax Act, 1932 (IX of 1932).

1. In section 2,—

(*a*) after clause (2), the following clause shall be inserted, namely :—

"(2A) 'licensee' means a person for whom a licence has been granted for horse-racing on a race-course under section 4 of the Mysore Race-courses Licensing Act, 1951."

(*b*) In clause (3) for the words and figures commencing from "licence or permit" till the end of the clause, the following words and figures shall be substituted, namely :—

"permit granted by a licensee to enable him to carry on his business or vocation under the Mysore Race-courses Licensing Act, 1951, as specified in the permit;"

(*c*) Clause (5) shall be omitted;

(*d*) In clause (6), for the words and figures, "the stewards controlling a race meeting have set apart in accordance with the Mysore Police Act, 1908," the words and figures "the licensees have set apart in accordance with the provisions of the Mysore Race-courses Licensing Act, 1951" shall be substituted.

2. In section 3, the words and figures "as from the first day of February, 1933" shall be omitted and for the words "stewards of the race-meeting", the word "licensees" shall be substituted.

3. In sections 4, 5 and 8 for the words "stewards of a race-meeting", the word "licensees" shall be substituted.

4. In sub-section (1) of section 6, the words and figures "as from the first day of February, 1933", shall be omitted, and for the words and figures "under the provisions of the Mysore Police Act, 1908", the words and figures "by the licensee in accordance with the provisions of the Mysore Race-courses Licensing Act, 1951" shall be substituted.

5. In section 9—

(*a*) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The totalisator tax payable under section 3, shall be recoverable from the licensees as an arrear of land revenue."

(*b*) in sub-section (2), for the words "as a revenue demand", the words "as an arrear of land revenue" shall be substituted.

6. For section 11, the following section shall be substituted, namely :—

"11 (1) If any licensee or licensed book-maker evades or attempts to evade the collection or payment of the totalisator tax or betting tax, as the case may be, leviable and payable under this Act, or fails to maintain the accounts or supply any information which such licensee or book-maker is required to maintain or supply by or under this Act, or knowingly maintains false accounts or supplies false information, such licensee or book-maker shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) If any person contravenes or fails to comply with any of the provisions of this Act or of any rule made thereunder, and not otherwise provided for in sub-section (1), he shall be punishable with fine which may extend to five hundred rupees.

Explanation.—If the person contravening any of the provisions of this Act or of any rule made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

nted by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 14135—Ml. 82-51-20. dated Bangalore, the 29th February 1952.

In exercise of the powers conferred by Section 46 (1) (h) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *model rules* prescribing the fees to be charged for licenses granted for the use of any place as a hotel, restaurant, eating house, coffee house, or bakery, boarding house or lodging house or sweetmeat shop or for the manufacture of ice or aerated waters, the time at which and the mode in which the same shall be levied or payable and for granting refunds, etc.

Rules under Section 46 (1) (h) of the Mysore Town Municipalities Act, 1951.

1. For every licence granted under the bye-laws of a Town Municipality for the use of any place as a hotel, restaurant, eating house, coffee house, or sweetmeat shop, bakery, boarding house or lodging house or for the manufacture of ice or aerated water, fees shall be charged at the rates specified in the Schedule to these rules, provided that the Municipal President shall have the power to remit the license fee wholly or partially in the case of a license granted for a special occasion and for a period not exceeding a fortnight.

2. The full license fee shall be paid in advance before the issue of the license: provided that every application for a license shall be accompanied by the fee which according to the applicant is chargeable in respect of the license applied for.

3. (*i*) In case of any doubt regarding the fee chargeable in respect of any license, the President shall determine

the fee after such inquiry and investigation as he may deem necessary.

(*ii*) The applicant for the license shall furnish the President all such information as he may, by means of a written notice, require for the purpose of the aforesaid inquiry and shall produce all such documents in his possession or power as the President may require for such inquiry.

4. If the license is refused, the fee paid by the applicant for the license shall be refunded, provided a claim for refund is referred within three months from the date of service of an endorsement refusing the grant of the license.

Schedule.

Fees chargeable in respect of every licence for the use of a place in the Town Municipality as hotel, restaurant, eating house, boarding or lodging house, coffee house, sweetmeat shop, bakery or for the manufacture of ice, aerated waters.

Purpose of License.

1. Hotel, boarding house or lodging houce, eating house, tea or coffee house: The fee payable per year shall be equal to the municipal assessment of the *premises* or portion of the premises wherein the business is carried on, subject to a maximum of Rs. 100 per annum.

2. Bakery or sweetmeat shop, a maximum of Rs. 10 per annum.

3. Ice or aerated water manufactory, Rs. 10 per annum.

By Order of His Highness the Maharaja

No. L. 13527—Ml. 150-51-7. dated Bangalore, the 22nd February 1952.

In exercise of the powers conferred by sub-sections (2) and (3) of Section 23 and Section 208 of the Mysore Town Municipalities Act, 1951, (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following amendment in the Rules for regulating the election to the offices of President and Vice-President of a Town Municipal Council issued in Notification

No. L. 8606—Ml. 150-51-3, dated the 12th November 1951, namely :—

In sub-rule (2) of rule 1 of the said Rules, for the words "Notice of the day and hour of the meeting shall be given at least fifteen clear days previous to the date of the meeting" the words "Notice of the day and hour of the meeting shall be published by affixture on the Notice Board of the Municipal Office at least fifteen clear days previous to the day of the meeting, and copies of such notice shall on the same day be sent to all the Councillors by Registered Post" shall be substituted.

By Order of His Highness the Maharaja,

No. T. 7416—R.T. 14-51-30, dated Bangalore, the 27th February 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, His Highness the Maharaja of Mysore is pleased to direct that the following three motor vehicles belonging to the Indian Dairy Research Institute, Bangalore, be exempted from payment of tax leviable under the said Act :—

1. One Ford Lorry bearing registration No. MY 5093 Z.
2. Two Ford Vans bearing registration Nos. MY 5094 Z. and MY 6193 Z.

By Order of His Highness the Maharaja,

No. L. 14136—Ml. 82-51-21, dated Bangalore, 29th February 1952.

In exercise of the powers conferred by Section 48 (1) (*b*) (iv) of the Mysore Town Municipalities Act, 1951, (Mysore Act, No. XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *model bye-laws* for regulating, licensing and inspection of places used as hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses or for manufacturing ice or ærated waters.

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BYE-LAWS.

1. In these bye-laws, unless there is anything repugnant in the subject or context:—

(*a*) 'hotel' means any eating house or place where cooked rice, mutton, beef, poultry, vegetables, dhall and confectionery or refreshments including chapaties, rice cakes, tea, coffee or similar articles of food or drink are prepared and sold for price to boarders, travellers or other persons;

(*b*) 'restaurant' or 'tea shop' or 'coffee house' means any building or part of a building where milk, coffee, tea, cocoa and other drinks or prepared articles of food are kept for sale and includes a 'Milk-Bar';

(*c*) 'bakery' or 'sweet-meat shop' means any building or part of a building where bread, biscuits, cakes, confectionery and sweets or any other kind of eatables are locally manufactured or kept for sale but does not include a place of business where packed or tinned sweets, biscuits or similar articles are kept and sold;

(*d*) 'boarding or lodging house' means any place where visitors are received and provided with accommodation with or without food, on payment;

(*e*) 'ice or ærated water factory' means any place where ice or ærated waters, sharbaths or any other cool drinks are either manufactured or are sold;

(*f*) 'licensee' means the proprietor or any person in charge of any of the kinds of business specified in clause (*a*), (*b*), (*c*), (*d*) or (*e*).

2. No place shall be used as a hotel, restaurant, eating house, boarding or lodging house, coffee house, sweetmeat shop or bakery or for manufacturing ice or aerated waters without previosuly obtaining a license therefor from the President of the Municipality, on payment of the fee prescribed in this behalf.

3. (*a*) Any person using or desiring to use any place for any of the above purposes, shall apply to the President for a license. The President may grant or refuse such license. When the President refuses to grant the license, he shall, by order in writing, give reasons therefor and an appeal shall lie to the Municipal Council from such order of refusal.

(*b*) No license shall be granted for a period exceeding one year and every license shall be granted so as to expire with an official year; provided that a temporary license for a period not exceeding a fortnight may be granted for any special occasion and such license shall expire with the period for which it is granted.

4. (*a*) Except in the case of an application for a temporary license under the proviso to Bye-law No. 3 (*b*), every application for a license under these bye-laws shall be made not less than fifteen days before the date from which the license applied for is to commence.

(*b*) Every such application shall be in the form specified in Schedule 'A' to these bye-laws.

5. (*a*) The license granted under Bye-law No. 3, shall not be transferable either as regards the person to whom or the place for which it is granted.

(*b*) It shall be in the form specified in Schedule 'B'.

(*c*) The license shall be affixed in a conspicuous part of the place to which it pertains, along with the correct name and residential address of the licensee.

6. The President may suspend or withdraw any license granted under Bye-law No. 3 in respect of any place on grounds of public health or safety or where any of the conditions specified in the license is contravened, provided that such suspension or withdrawal of the license shall not be deemed to exempt the licensee or any other person from liability to a prosecution under these bye-laws and provided further that such suspension or withdrawal shall be made only after an opportunity is given to the licensee to show cause, against such suspension or revocation.

7. Any person committing an infringement of these bye-laws or of any of the conditions attached to a license granted under these bye-laws shall, on conviction, be liable to a fine not exceeding Rs. 50.

8. Every licensee shall be responsible for all acts done by his agents or servants in connection with the business for which the license has been obtained.

9. Every license granted under Bye-law No. 3 shall be subject to the general conditions specified in Bye-law No. 10 and the special conditions specified in Bye-law Nos. 11 to 14 in so far as they are applicable, having

regard to the particular purpose for which the license is granted. No license shall be granted in respect of any place which, in the opinion of the President, does not satisfy such conditions or any of them.

GENERAL CONDITIONS.

10. Every license under Bye-law No. 3 shall be granted on, and subject to the following general conditions :—

(*a*) The premises in respect of which the license is granted shall be sufficiently spacious and suitable for the purpose of the business intended to be carried on therein and the dimensions of every room therein shall be at least 8′×8′×8′.

(*b*) Each room abutting an open space should have windows of a dimension of 4′×3′ to secure adequate ventilation and lighting.

(*c*) Suitable smoke outlets in the form of chimneys shall be provided and maintained in good order so that the smoke may not pervade the dwelling rooms, the dining hall or the portion of the premises where customers are served with food or drink.

(*d*) No cess pools should be permitted on the premises; if sewers exist, they should be properly trapped; if daily conservable latrines are provided, they should be located with an intervening open space of at least 15 ft. from the living room or rooms intended for cooking, eating or for storage.

(*e*) The premises shall have water connection from the public main, where there is a protected system of water supply and such connection and all fittings thereof shall be kept in proper order and efficient action so as to provide for use on the premises, sufficient supply of water for the purpose of business and for thoroughly washing and cleaning such premises. Only water from this source shall be used for all purposes connected with the business. If water has to be stored it shall be stored only in a metallic tank fitted with a tap and covered at the top with a tight fitting metallic lid and placed four feet above the ground level. In all other cases where the supply of water is drawn from a well, a certificate should be obtained as regards the purity of the said water once a quarter or oftener, if necessary, from the District Health Officer.

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(*f*) The walls of the premises shall be rendered impervious to water by cement plastering or otherwise up to a height of four feet from the ground level, and the rest of the said walls shall be plastered with chuman and white-washed half-yearly or as often as required, by the President, provided that in the case of a place used for a bakery, sweetmeat shop or for the manufacture of ice or ærated waters, the walls shall be rendered impervious to water by means of cement plastering or otherwise up to a height of 8 ft. from the ground level. The floor shall be either cemented or paved with Cuddappah slabs with cement pointing, and sufficient drainage shall be provided. The roofing shall be plain and ratproof.

(*g*) The place shall not at any time be used for stabling animals.

(*h*) (i) The licensee shall always keep the premises in a perfectly clean and tidy condition.

(ii) All refuse or rubbish shall be swept off, and the drains kept well flushed. A sufficient number of metallic dust bins with lids at the top shall be kept on the premises and they shall be cleaned at least once a day and oftener, if necessary.

(iii) The premises shall be thoroughly washed twice a day and oftener if necessary; privies, latrines and urinals shall be disinfected daily.

(iv) All waste water shall be thoroughly drained from the premises.

(*i*) (i) All the articles of furniture, plates, utensils and accessories pertaining to or used for the purpose of the business for which license is granted shall always be kept perfectly clean.

(ii) Plates, cups, saucers, spoons, forks and all other utensils or accessories used for service shall be thoroughly washed in clean water and sterilised by being immersed in boiling water or in steam for not less than five minutes before being sent out for service again.

(*j*) Every table, bench or board on which refreshments are served shall be provided with a top, made of marble, polished stone slab or other non-absorbent material and the top shall be thoroughly cleansed after each service with a clean cloth and if necessary, with water.

(*k*) All provisions or materials used for the purpose of the business shall be good and wholesome and

adulterated provisions or materials shall not be used. Provisions not required for immediate use shall be stored in closed bins made of galvanised iron or other metallic receptacle suitably protected against chemical action which shall be kept on stone benches fixed 1½ feet away from the walls and shall not be allowed to lie open on the floor.

(*l*) The licensee shall allow only servants who are dressed in clean clothes to attend on the customers.

(*m*) No foodstuff of any sort which is stale, unwholesome, offensive or in any way unfit for human consumption in the opinion of the Health Inspector shall be stored, served, sold or exposed for sale in the premises.

(*n*) (i) Dried fruit, cut slices of fruits, cooked food and all other articles of food or drink kept ready for human consumption in the premises shall be stored or exposed for sale in such a manner as completely to protect them from dust, effluvia, flies or other vermin.

(ii) Such articles when exposed for sale shall be kept in clean vessels or plates made of glass or metal covered with enamel or tin lining placed in glass cases provided, if necessary, with a fly proof wire gauze at the top for ventilation.

(iii) No such articles shall be touched by hand and clean spoons or other accessories shall be used for serving them.

(*o*) All papers or leaves used for wrapping articles of food shall be clean and stored in a clean rack or box.

(*p*) No person who is suffering from any contagious, infectious or loathsome disease or who has recently been in attendance on a person suffering from such disease or who is unwashed or otherwise unclean shall be employed by the licensee for the purpose of the business nor shall any such person be allowed to enter or loiter in or any part of the premises.

(*q*) (i) No person shall be employed in or in connection with any business carried on in any place licensed under Bye-law No. 3 (for which a licence under Bye-law No. 2 is necessary) unless he produces at the time of his first employment therein a certificate from the District Health Officer or any Medical or Health Officer not below the rank of an Assistant Surgeon showing that he is free from any contagious, infectious or loathsome disease, *viz.*,

Typhiod, Para-typhoid A or B, Cholera or Dysentery. After every serious illness, he must produce a certificate that he is not infectious.

(ii) Every person employed in or in connection with such business shall produce a similar certificate at the beginning or every official year on or before the 15th April.

(iii) Every such employee shall subject himself to a medical examination whenever directed to do so in writing by the District Health Officer

(iv) No person who has failed to comply with any of the above requirements shall be employed or continue to be employed in or in connection with the business.

(*r*) The licensee shall forthwith report to the District Health Officer or Health Inspector any case of dangerous, infectious or contagious disease occurring on the premises.

(*s*) The licensee shall keep in the premises a book which shall be open to inspection by the President, the Executive Officer, if any, the District Health Officer, or any other officer of the Municipality specially authorised in writing by the President to inspect the premises.

(*t*) (i) It shall be competent for the President, Executive Officer, if any, the District Health Officer, any Health Inspector or other officer authorised in writing in this behalf by the President to enter into any place used for any of the purposes specified in the Bye-law No. 1 between 6 A M. and 6 P.M. or at any other time while such place is kept open for business, to inspect the premises, provisions, articles of food or drink, all utensils and furniture on the premises and to take samples of any provisions, any articles of food or drink manufactured or kept for sale therein. Samples so seized may be subjected to chemical or other examination.

(ii) It shall be competent to the President, the executive Officer, if any, the District Health Officer or the Health Inspector to remove or cause to be removed forthwith from such place any article of food or drink which, in his opinion is stale, unwholesome, offensive or unfit for human consumption, besides prosecuting the licensee for violating the bye-laws.

(iii) Whenever the President or the Executive Officer, if any, or the Health Officer is satisfied on

personal inspection or on any report of inspection, he may, instead of recommending the prosecution of the licensee, issue to him in writing such directions as he may deem necessary for securing proper compliance with these bye-laws or in the interests of public health and the licensee shall forthwith comply with such directions.

SPECIAL CONDITIONS.

Place used as Bakery or Sweetmeat shop.—

11. A place used as a bakery or sweetmeat shop shall satisfy the following special conditions in addition to the general conditions specified in the Bye-law No. 10:—

(*a*) The premises shall contain separate accommodation for kneading, store and vending.

(*b*) The walls of the kneading room shall be plastered with cement to a height of 8 ft. from the ground level. The ceiling of the kneading room shall be plain and free from crevices.

(*c*) The surface of every kneading table used in the bakery shall be impervious to water, smooth and free from cracks or crevices and shall be kept covered with a clean cloth, when not in use. The pedestals of the kneading table shall be of concrete blocks plastered with cement.

(*d*) Every person engaged in kneading shall wear a clean white apron of linen or cotton so as to cover completely the front part of his body from neck to knees.

(*e*) No person shall soil the kneading table in any way.

(*f*) No person shall transport for sale, bread or sweetmeat from one place to another except in a closed vehicle or in a closed basket, tin or other receptacle. Every such vehicle, basket, tin or receptacle shall at all times be kept thoroughly clean and no person shall commit any act which may tend to render any bread or sweetmeat which is being transported, dirty or unwholesome.

HOTELS, RESTAURANTS, EATING HOUSES, BOARDING HOUSES, TEA AND COFFEE HOUSES.

12. A place used as a hotel, restaurant, eating house and coffee house shall satisfy the following special conditions in addition to those specified in Bye-law No. 10:—

(*a*) No one shall be allowed to dine in any place other than the dining hall, provided that it shall be permissible for a boarder to dine in his own room.

(*b*) There shall be sufficient latrine accommodation; every latrine, privy or urinal on the premises shall be kept clean and thoroughly disinfected daily and the night soil shall always be covered with ashes or earth and removed daily. Where facilities are available, flush latrines should, as a rule, be provided.

(*c*) Wherever arrangements are made on the premises for broadcasting or for the playing of gramophones with or without pick-up and loud-speaker arrangement, care shall be taken to prevent an unreasonable amount of noise being caused in the neighbourhood so as to occasion annoyance or discomfort to the owners or occupiers of houses in the vicinity.

PLACE USED FOR THE MANUFACTURE OF ICE.

13. A place used for manufacturing ice shall satisfy the following conditions in addition to those specified in Bye-law No. 10:—

The water used for manufacturing ice shall be pure and shall not be carried in massacks or in any other vessels not approved by the President, the Executive Officer, if any, or the District Health Officer.

PLACE USED FOR THE MANUFACTURE OF AERATED WATERS.

14. A place used for the manufacture of aerated waters shall satisfy the following conditions in addition to those specified in Bye-law No. 10:—

(*a*) The premises shall contain sufficient and separate accommodation for each of the following, *viz.*, for the cleaning of bottles, for the filteration and storage of water, for the charging of bottles and for store-room.

(*b*) The water used for the manufacture of aerated waters shall be pure and shall not be carried in massacks or in any other vessels not approved by the President or the District Health Officer.

(*c*) The water used for the manufacture of aerated water shall be filtered and the filtering vessels and materials shall be sterilised at such times and in such manner as the President or the District Health Officer, may direct.

(*d*) Syrups shall be prepared only in glass or enamelled vessels and kept in a fly proof case.

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(*e*) No aerated water of any kind shall be issued from the manufactory without having a proper label and mouth piece on each bottle, giving the full name and address of the manufacturer. The mouth of each bottle shall be completely covered with a similar label so as to be dust proof.

SCHEDULE 'A'.

FORM OF APPLICATION FOR LICENCE.

1. Full name and address of applicant ...
2. Father's name ... ...
3. Age ... ...
4. Purpose for which licence is required ...
5. The place in respect of which the licence is required :—
   1. Division and ... ...
   2. Street ... ...
   3. Door No. ... ...
   4. Other particulars such as boundaries necessary for identifying the place.
6. The name and address of owner of such place.
7. The rent of the place or the estimated rental value where the applicant is the owner of the premises.
8. Period for which licence is required ...

I declare that the information given above is true to the best of my knowledge and belief.

Applicant.

SCHEDULE 'B'.

FORM OF LICENCE ISSUED UNDER THE BYE-LAWS OF THE TOWN MUNICIPALITY FRAMED UNDER SECTION 48 (1) (b) (iv) OF THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

This licence is granted to Sri.....
(name and address) for the use of.....
(insert description of place).

as a bakery, sweetmeat shop, hotel, restaurant, eating house, boarding or lodging house, coffee house, for manufacturing ice or aerated waters (retain the words indicating the purpose for which the licence is granted and strike off the remaining words).

This licence will expire on the 31st of March 19.....

It is subject to the conditions setforth hereunder and the bye-laws and rules of the Municipality made under the Mysore Town Municipalities Act, 1951.

CONDITIONS.

1. (*a*) The premises in respect of which the license is granted shall be sufficiently spacious and suitable for the purpose of the business intended to be carried on therein and the dimensions, of every room therein shall be at least 8′×8′×8′.

(*b*) Each room abutting on an open space should have windows of dimensions of 4′×3′ to secure adequate ventilation and lighting.

(*c*) Suitable smoke outlets in the form of chimneys shall be provided and maintained in good order so that the smoke may not pervade the dwelling rooms, the dining hall or the portion of the premises where customers are served with food or drink.

(*d*) No cess pools should be permitted on the premises; if sewers exist, they should be properly trapped; if daily conservable latrines are provided, they should be located with an intervening open space of at least fifteen feet from the living room, or rooms intended for cooking, eating or storage.

(*e*) The premises shall have water connection from the public main and such connection and all fittings thereof shall be kept in proper order and efficient action so as to provide for use on the premises sufficient supply of water for the purpose of the business and for thoroughly washing and cleaning such premises. Only water from this source shall be used for all purposes connected with the business. If water has to be stored, it shall be stored only in a metallic tank fitted with a tap and covered at the top with a tight fitting metallic lid and placed 4 ft. above the ground level. In case there is a well, it should conform to Sanitary principles and its mouth should be covered and fitted with a pump.

(*f*) The walls of the premises shall be rendered impervious to water by cement plastering or therwise up to a height of four feet from the ground level, and the rest of the said walls shall be plastered with chunam and whitewashed half-yearly or as often as required by

the President, provided that in case of a place used as a bakery, sweetmeat shop or for the manufacture of ice or ærated water, the walls shall be rendered impervious to water by means of cement plastering or otherwise up to a height of 8 feet from the ground level. The floor shall be either cemented or paved with Cuddapah slabs with cement pointing and sufficient drainage shall be provided. The roofing shall be plain and rat-proof.

(*g*) The place shall not at any time be used for stabling animals.

(*h*) (i) The licensee shall allways keep the premises in a perfectly clean and tidy condition.

(ii) All rubbish shall be swept off and the drains well flushed. A sufficient number of metallic dust bins with a lid at the top shall be kept on the premises and they shall be cleaned at least once a day and oftener, if necessary.

(iii) The premises shall be thoroughly washed twice a day and oftener, if necessary. Privies, latrines and urinals shall be disinfected daily.

(iv) All waste water shall be thoroughly drained from the premises.

(*i*) (1) All articles of furniture, plates, utensils and accessories pertaining to or used for the purpose of the business for which license is granted shall always be kept perfectly clean.

(2) Plates, cups, saucers, spoons, forks and all other utensils or accessories used for service shall be thoroughly washed in clean water and sterilised by being immersed in boiling water or in steam for not less than five minutes before being sent out for service again.

(*j*) Every table, bench or board on which refreshments are served shall be provided with a top made of marble, polished stone slab or other non-absorbent material and the top shall be thoroughly cleaned after each service with a clean cloth and if necessary, with water.

(*k*) All provisions of materials used for the purpose of the business shall be good and wholesome and adulterated provisions or materials shall not be used. Provisions not required for immediate use shall be stored in closed bins made of galvanised iron or other metallic receptacle suitably protected against chemical action which shall be kept on stone benches, fixed 1½ ft. away from the walls and shall not be allowed to lie open on the floor.

(*l*) The licensee shall allow only servants who are dressed with clean clothes to attend on the customers.

(*m*) No food stuff of any sort which is stale, unwholesome, offensive or in any way unfit for human consumption in the opinion of the District Health Officer, shall be stored, served, sold or exposed for sale in the premises.

(*n*) (i) Dried fruit, cut slices of fruit, cooked food, and all other articles of food or drink kept ready for human consumption in the premises shall be stored or exposed for sale in such a manner as completely to protect them from dust, effluvia, flies or other vermin.

(ii) Such articles when exposed for sale shall be kept in clean vessels or plates made of glass or metal covered with enamel or tin lining placed in glass cases, provided if necessary with a fly proof wire gauge at the top for ventilation.

(iii) No such articles shall be touched by hand and clean spoons or other accessories shall be used for serving them.

(o) All papers or leaves used for wrapping articles of food shall be clean and stored in a clean rack or box.

(p) No person who is suffering from any contagious, infectious or loathsome disease or who is unwashed or otherwise unclean shall be employed by the licensee for the purpose of the business nor shall any such person be allowed to enter or loiter on any part of the premises.

(q) (i) No person shall be employed in or in connection with any business carried on in any place licensed under Bye-law No. 2 or for which a license under Bye-law No. 1 is necessary) unless he produces at the time of his first employment therein a certificate from the District Health Officer or any Medical or Health Officer not below the rank of an Assistant Surgeon showing that he is free from any contagious, infectious or loathsome disease. He should not be a carrier of intestinal diseases, *viz.*, typhoid, para-typhoid A or B, cholera or dysentery. After every serious illness, he must produce a certificate that he is not infectious.

(ii) Every person employed in or in connection with such business shall produce a similar certificate at the beginning of every official year on or before the 15th April.

(iii) Every such employer shall subject himself to a medical examination whenever directed to do so in writing by the District Health Officer.

(iv) No person who has failed to comply with any of the above requirements shall be employed or continue to be employed in or in connection with the business.

(r) The licensee shall forthwith report to the District Health Officer any case of dangerous, infectious or contagious disease occurring on the premises.

(s) The licensee shall keep in the premises a book which shall be open to inspection by the President, the Executive Officer, if any, the Health Officer or any other officer of the municipality authorized in writing to inspect the premises.

(t) (i) It shall be competent for the President, the Executive Officer, if any, or the District Health Officer, or Health Inspector or other officer of the municipality authorised in writing in his behalf by the President to enter into any place used for any of the purposes specified in Bye law No. 1 between 6 A.M. and 6 P.M or at any other time while such place is kept open for business, to inspect the premises, provisions, articles of food or drink, all utensils and furniture on the premises and to take samples of any provisions, any articles of food or drink, manufactured or kept for sale therein. Samples so seized may be subjected to chemical or other examination.

(ii) It shall be competent to the President, Executive Officer, if any, the District Health Officer or Health Inspector to remove or cause to be removed forthwith from such place any article of food or drink, which is in their opinion stale, unwholesome, offensive or unfit for human consumption, besides prosecuting the licensee for violating the Bye-laws.

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(iii) Whenever the President or the District Health Officer is satisfied on personal inspection or on a report of inspection, he may, instead of recommending the prosecution of the licensee, issue to him in writing such directions as he may deem necessary for securing proper compliance with these Bye-laws or in the interests of public health and the licensee shall forthwith comply with such directions.

SPECIAL CONDITIONS.

2. PLACE USED AS BAKERY OR SWEETMEAT SHOP.

A place used as a bakery or sweetmeat shop shall satisfy the following special conditions, in addition to the general conditions specified in Bye-law No. 10.

(*a*) The premises shall contain separate accommodation for kneading, store and vending.

(*b*) The walls of the kneading room shall be plastered with cement to a height of 8 ft. from the ground level. The ceiling of the kneading room shall be plain and free from crevices.

(*c*) The surface of every kneading table used in the bakery shall be impervious to water, be smooth and free from cracks or crevices and shall be kept covered with a clean cloth when not in use. The pedestals of the kneading table shall be of concrete blocks plastered with cement.

(*d*) Every person engaged in kneading shall wear a clean white apron of linen or cotton so as to cover completely the front part of his body from neck to knees.

(*e*) No person shall soil the kneading table in any way.

(*f*) No person shall transport for sale, bread or sweetmeat from one place to another except in a closed vehicle or in a closed basket, tin or receptacle which shall at all times be kept thoroughly clean and no person shall commit any act which may tend to render any bread or sweetmeat which is being transported dirty or unwholesome.

3. HOTELS, RESTAURANTS, EATING HOUSES, BOARDING HOUSES, TEA AND COFFEE HOUSES.

A place used as a hotel, restaurant, eating house or coffee house shall satisfy the following special conditions in addition to those specified in Bye-law No. 10 :—

(*a*) No one shall be allowed to dine in any place other than the dining hall, provided that it shall be permissible for a boarder to dine in his own room.

(*b*) There shall be sufficient latrine accommodation. Every latrine, privy or urinal on the premises shall be kept clean and thoroughly disinfected daily and the nightsoil shall always be covered with ashes or earth and removed daily. Where facilities are available, flush latrines should, as a rule, be provided.

(*c*) Whenever arrangements are made on the premises for broadcasting or for the playing of gramophones with or without pick-up and loudspeaker arrangements, care shall be taken to prevent an

unreasonable amount of noise being caused in the neighbourhood so as to occasion annoyance or discomfort to the owners or occupiers of houses in the vicinity.

4. PLACE USED FOR THE MANUFACTURE OF ICE.

A place used for manufacturing ice shall satisfy the following condition in addition to those specified in Bye-law No. 10:—

The water used for manufacturing the ice shall be pure and shall not be carried in massacks or in any other vessels not approved by the President or the District Health Officer.

5. PLACE USED FOR THE MANUFACTURE OF AERATED WATERS.

A place used for manufacturing aerated waters shall satisfy the following conditions in addition to those specified in Bye-laws No. 10 and 14 above.

By Order of His Highness the Maharaja,

No. T. 7551—R.T. 171-51-3, dated Bangalore, 4th March 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, His Highness the Maharaja is pleased to order the reduction of Road Tax by fifty per cent of the rate of tax leviable under the said Act on lorries engaged by the Director of Food Supplies in Mysore, and used exclusively for the supply of fuel to Bangalore.

This concession will be in force for one year.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,
Local Self-Government Department.

No. Fl. 7033—S.T. 52-51-3, dated Bangalore, the 27th February 1952.

In exercise of the powers conferred by sub-section (4) of Section 3 of the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Rules for the Computation of Turnover contained in the Schedule to the said Act, the draft amendment having been published in the *Mysore Gazette*, dated 31st January 1952.

AMENDMENT.

1. In the explanation to rule 1 of the Rules for the Computation of Turnover, in items (*a*) and (*b*) for the figures "20" and "30", the figures "30" and "85" shall respectively be substituted.

By Order of His Highness the Maharaja,

No. Fl. 7034—S.T. 52-51-4, dated Bangalore, the 27th February 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the sale of goods involved in the following "Works Contracts" shall be exempt from the tax payable under the said Act throughout the State of Mysore:—

(1) Contracts for construction of Earthen Roads.
(2) Contracts of earth work.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 4780—L.W. 295-51-3, dated Bangalore, the 27th February 1952.

In exercise of the powers conferred by Section 3 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926) and in supersession of Notification No. L.S. 532—L.W. 26-51-1, dated the 8th May 1951, His Highness the Maharaja of Mysore is pleased to appoint, with effect from 1st March 1952, the Commissioner of Labour in Mysore as the Registrar of Trade Unions for the State of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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No. 5703—Cts. 165-51, dated Bangalore, the 27th February 1952.

In exercise of the powers conferred by Section 4 of the Displaced Persons (Debts Adjustment) Act, 1951 (Central Act No. LXX of 1951), His Highness the Maharaja is pleased to specify the following Civil Courts in the State as the Tribunals having authority to exercise jurisdiction under the above Act in the area noted against each :

Court.	*Area over which jurisdiction can be exercised.*
The Court of the Principal Subordinate Judge, Bangalore.	Bangalore District (Except Civil Station, Bangalore)
The Court of the Principal Subordinate Judge, Mysore.	Mysore District.
The Court of the Subordinate Judge, Shimoga.	Shimoga District.
The Court of the Subordinate Judge, Civil Station, Bangalore	Civil Station, Bangalore.
The Court of the Subordinate Judge, Tumkur.	Tumkur District.
Do Kolar ...	Kolar ,,
Do Chitaldrug ...	Chitaldrug ,,
Do Hassan ...	Hassan ,,
Do Chikmagalur.	Chikmagalur ,,
Do Mandya ...	Mandya ,,

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. S.R. 8184—S.T. 9-51-8, dated Bangalore, the 28th February 1952.

In exercise of the powers conferred by Section 35 of the Court Fee Act, 1900 (Mysore Act III of 1900), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in Notification No. S.R. 6842—St. 9-51-4, dated 8th January 1952, namely :-

In the said Notification, for the words "new design for Court Fee Stamps", the words "a new design for Copy Stamps" shall be substituted.

By Order of His Highness the Maharaja,

B. T. KEMPANNA,
Secretary to Government,
Revenue Department.

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No. A. F. 10723—Mart. 7-51-2, dated Bangalore 1st March 1952.

The draft of the following further amendments to the Mysore Agricultural Produce Market Rules, 1947, which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Agricultural Produce Markets Act 1939, (Mysore Act No. XVI of 1939) it is hereby published as required by sub-section (4) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 19th March 1952.

Any objection or suggestion with respect to the said draft which may be received from any person by the Secretary to Government, Food and Agriculture Departments, before the said date, will be considered by the State Government.

Draft Amendments.

In the said Rules,

(1) In clause (a) of sub-rule (2) of Rule 4, for the words " for the first period of three years ", the words " for the term of the first Committee ", shall be substituted ;

(2) In Rule 18, for the sentence, " It shall hold office until the expiration of three years from the date of the year in which the list is published ", the following sentence shall be substituted :—" It shall hold office until the expiration of three years from the date of the year in which the list is published, extensible by order of Government to a period of five years in the aggregate ".

By Order of His Highness the Maharaja,

N. Puttarangaswamy,
Secretary to Government,
Food and Agriculture Departments.

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The Mysore Gazette

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BANGALORE, TUESDAY, MARCH 4, 1952

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi—1, the 29th February 1952.

No. 128/7/52 - Elec. III. In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby makes the following amendment in the Commission's Notification No. 128/7/52—Elec. III (1), dated the 11th January 1952, regarding appointment of Assistant Returning Officers for the Constituencies in the State of Mysore, namely :—

" AMENDMENT

In the table appended to the said Notification for the entries in columns 1 and 2 relating to Mysore (Local Authorities) Constituency the following entries shall respectively be substituted :—

(1)	(2)
Mysore (Local Authorities)	(1) Personal Assistant to the Deputy Commissioner, Mysore District. (2) Revenue Officer, Mysore City Municipality, Mysore."

P. S. SUBRAMANIAN, Secy.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 17872—Eln. 177-51-2, dated Bangalore, 5th March 1952.

Ordered that the accompanying Notifications Nos. F. 24 (1)/52-C-I and F. 24 (1)/52-C-III, dated the 4th March 1952, issued by the Government of India, in the Ministry of Law, under Section 12 (1) (*a*) and Section 39 (2) of the Representation of the People Act, 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 4th March 1952.

S.R.O. F.-24 (1)/52-C-I. In exercise of the powers conferred by clause (*a*) of sub-section (1) of Section 12 of the Representation of the People Act, 1951 (XLIII of 1951), the President is pleased to call upon the elected members of the

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Legislative Assemblies of Part A States and Part B States other than the State of Jammu and Kashmir, to elect members to the Council of States in accordance with the provisions of the said Act and of the rules and orders made thereunder before the 1st April, 1952, which is the date appointed in that behalf by the Election Commission.

NOTIFICATION.

New Delhi, the 4th March 1952.

S.R.O. F. 24 (1)/52-C-III. In exercise of the powers conferred by sub-section (2) of Section 39 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government hereby appoints for the elections to the Council of States to be held in pursuance of Notifications No. F. 24 (1)/52-C-I and F. 24 (1)/52-C-II, dated the 4th March 1952,—

(*a*) the 13th March, 1952, as the last date for making nominations,

(*b*) the 14th March, 1952, as the date for the scrutiny of nominations,

(*c*) the 17th March, 1952, as the last date for the withdrawal of candidatures, and

(*d*) the 27th March, 1952, as the date on which a poll shall, if necessary, be taken.

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

LABOUR DEPARTMENT.

Government Order No. L. S. 4930—L.W. 189-51-10, dated Bangalore, 8th March 1952.

Labour—Disputes—Dispute between the workers and Management of Messrs. Simpson & Co., Ltd., and Messrs. George Oakes, Ltd., Bangalore—Award of the Industrial Tribunal, Bangalore—Published.

Read.—the following papers :—

(1) Government Notification No. L.S. 3081—L.W. 189-51-8, dated 8th November 1951.

(2) Letter No. I.C. 10—51-52, dated 22nd February 1952, from the Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Thursday the 31st day of January 1952.

PRESENT.

Sri T. Singaravelu Mudaliar, B.A., B.L. ... *Chairman*
Janab Mahamood Sheriff, B.A., LL.B. ... *Member*
Sri S. Rangaramaiah, B.A., LL.B. ... *Member*

I. C. No. X of 51-52.

Workers employed by Messrs. Simpson & Co., Ltd., Bangalore and Messrs. George Oakes, Ltd., Residency Road, Bangalore.—

Versus.

Management of Messrs. Simpson & Co., Ltd., Bangalore and Messrs. George Oakes, Ltd., Residency Road, Bangalore.—

Workers represented by
Sri R. Narayanappa, President of the Bangalore Automobile Employees' Association.

Managements represented by
Sri B. K. Venkataraman, Resident Representative of the Amalgamations, Ltd.

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AWARD.

This is a reference made by the Government of Mysore in their Notification No. L.S. 3981—L. V. 189-51-8, dated 8th November 1951, under Section 10 (1)-c of the Industrial Disputes Act, 1947, for adjudication in respect of the following matters, *viz.*—

(1) That the workmen may be paid bonus equal to 4 (four) months' pay for the year 1949:

(2) that the following scales of pay be accepted :—

	Rs. a. p.	Rs. a. p.	Rs. a. p.
Cleaners	0 12 0	0 2 0	1 4 0
Mech/Mates	1 4 0	0 2 0	1 12 0
III Grade Mechanic	1 12 0	0 4 0	2 4 0
II Grade Mechanic	2 4 0	0 4 0	2 12 0
I Grade Mechanic	2 12 0	0 6 0	3 8 0
Charge Hands	3 8 0	0 8 0	5 0 0

The representatives of both parties filed a joint memo setting out the terms of the agreement for mutual settlement of the disputes referred to this Tribunal among other items of difference. The joint memo and the Memorandum of Agreement are appended to the Award.

An Award is made in the terms of the Memorandum of agreement and is submitted to Government under Section 15 of the Industrial Disputes Act, 1947.

T. SINGARAVELU MUDALIAR,
Chairman.

MOHAMOOD SHERIFF,
Member.

S. RANGARAMAIAH,
Member.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

I. C. No. 10 *of* 1951-52.

The workers employed in Simpson & Co., Limited, and George Oakes, Limited, at Bangalore represented by the Bangalore Automobile Employees' Association, Bangalore.

Versus.

The Management of Simpson & Co., Limited and George Oakes, Limited.

Joint Memo presented by the Parties.

In view of the circumstances set out in the Memorandum of Agreement dated 30th January 1952 entered into by the parties, a copy of which is filed herewith for information, we request that the above case may be closed, as withdrawn.

For the Union

(Sd) R. NARAYANAPPA

President.

For Simpson & Co., Limited

(Sd).....

Branch Manager

For George Oakes, Limited

(Sd).....

Branch Manager.

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Dated 31st January 1952 at Bangalore.

Memorandum of Agreement.—dated this the 30th day of January 1952 entered into between the Branches of the following Companies at Bangalore, namely :—

Messrs. Simpson & Company, Limited,

Messrs. George Oakes, Limited, and

Messrs. Addison & Company, Limited,

of the one part and the Bangalore Automobile Employees' Association, Bangalore, of the other part witnesseth :

With a view to arrive at an amicable settlement of all the points of difference outstanding between the Companies' branches mentioned *supra* and the staff and workers employed therein, Mr. W. W. Ladden, Director of the Companies, had a discussion with the President and Secretary of the Union aforesaid on 23rd January 1952.

It was realised that with a view to increase production and efficiency in the Companies' undertakings, it was necessary to bring about an atmosphere of co-operation, mutual trust and goodwill between the parties.

The Union appreciates that the Management had voluntarily increased Dearness Allowance from 2½ annas to annas three per point over 100 according to the cost of living index applicable to Madras City and also stepped up the rate of contribution of the "workers" to the Provident Fund from 6¼ per cent to 8-1/3 per cent.

Re : Gratuity.—The Companies agree to give a gratuity of 7 days' basic wages for each year of service to the staff and workers of the above companies in case of death, retirement or retrenchment. In the case of voluntary resignation, however, the person concerned shall not be eligible to gratuity unless he has served for a period of not less than 5 years.

Leave Facilities.—The Companies will extend to the members of the staff and workmen the same leave privileges as are enjoyed by the members of the staff and workmen at the Head Office.

The question of the settlement of a wage structure for the several categories of the staff and workmen of the Branches mentioned *supra* has been by mutual consent left for determination by Mr. W. W. Ladden, in negotiation with the Union.

The parties sincerely hope that this agreement will inaugurate an era of friendly co-operation between the Management and the staff and workers and joint effort will be made towards increasing production and efficiency. The Union will not agitate any of the questions covered by this agreement for a period of one year from this date and will devise, in agreement with the Management, a procedure for settlement of day-to-day grievances, if any.

The parties hereby agree that all differences shall be discussed by the President of the Union with the companies at Directors' level in the first instance before resorting to any statutory or other remedies.

For the Union

(Sd) R. NARAYANAPPA

President.

For the Management

(Sd).....

Director.

NOTIFICATION. 545

Order No. L.S. 4930–L.W. 189-51-10, Dated Bangalore, 8th March 1952.

Whereas the award of the Industrial Tribunal, Bangalore, in respect of the Industrial dispute between the workers and the Management of Messrs. Simpson & Co., Ltd., Bangalore and Messrs. George Oakes, Ltd., Bangalore, has been received;

Now, therefore, in exercise of the powers confined by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore directs that the award be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.546

No. S.R. 7971—Regis. 22-51-4, dated Bangalore, 19th February 1952.

In exercise of the powers conferred by Section 5 of the Indian Registration Act, 1908 (Central Act XVI of 1908), His Highness the Maharaja of Mysore is pleased to direct the alteration in the limits of the Sub-Districts of T.-Narasipur and Bannur for the purposes of the said Act, and the altered limits are specified hereunder.

The alteration shall take effect from the *First day of April 1952.*

T.-Narasipur.

Sl. No.	Name of the Village.	Sl. No.	Name of the Village.
1	Akkur	40	Basavanapura
2	Agastapura	41	Bilugalee
3	Alagudu	42	Bettahalli
4	Adibettahalli	43	Byrapura
5	Iggali (Hariharapura)	44	Bommanayakanahalli
6	Indavalu	45	Maradipura
7	Eashwaragowdanahalli	46	Mavinahalli
8	Kaliyuru	47	Malangi
9	Kalkunda	48	Madrahalli
10	Kannahalli	49	Madavadee
11	Karoobatti	50	Madapura
12	Kamahalli	51	Maranapura
13	Kahalli	52	Muttatti
14	Tiragasuru	53	Muguru
15	Kuppa	54	Megadahalli
16	Kuruburu	55	Madegowdnahundi
17	Kudlur	56	Yadadore
18	Kukkuru	57	Yaraganahalli
19	Kethahalli	58	Rangasamudra
20	Koppalu (Kaligundi)	59	Ramanathapuradahundi
21	Kottagala	60	Ranganathapura
22	Gargeshwari	61	Vadeyandahalli
23	Gejjaganahalli	62	Vatalu
24	Chandahalli	63	Vijapura
25	Channanjavaderapura	64	Sujjaluru
26	Chennambahalli	65	Settahalli
27	Chowhalli	66	Hakanuru
28	Danayakanapura	67	Haroópura
29	Talakadu	68	Hiriyuru
30	Tirumakudalu	69	Hittuvalli
31	Tayuru	70	Hunasuru
32	Tumbala	71	Hunaganahalli
33	Tottawadi	72	Hemmige
34	Doddapura	73	Honakote
35	Narasipura	74	Hosapura
36	Nilasoge	75	Hosahalli
37	Pattehundee	76	Holasalu
38	Piluballi	77	Honnur
39	Bannahalli	78	Sosale

Sl. No.	Name of the Village.
79	Binakanahalli
80	Megadahalli
81	Muthalavadi
82	Karagahalli
83	Chikkabuvalli
84	Kyamballi
85	Horalahalli
86	Naragyathanahalli
87	Hasuvalli
88	Kannayakanahalli

Sl. No.	Name of the Village.
89	Thammadipura
90	Chikkalaxmipura
91	Doddabagilu
92	Konagahalli
93	Halavara
94	Kolathuru
95	Ramegowdanapura
96	Krishnarajapura—Agrahara
97	Budahalli
98	Nagalagere

Bannur.

1	Attahalli
2	Ankahalli
3	Aravattige Koppal
4	Anasale
5	Avverahalli
6	Uddibagur
7	Ukkalagere
8	Kodagahalli
9	Kunthanahalli
10	Kalipura
11	Kempanapura
12	Kanchanahalli
13	Kethupura
14	Kiragaval
15	Kalkuni
16	Kebbepura
17	Goravanahalli
18	Ganigarakoppal
19	Chamanahalli
20	Chidaravalli
21	Chimmali
22	Chikkamuluguda
23	Thuruganur
24	Doddamulugudu
25	Doddalakshmipura
26	Doddapura
27	Desavalli
28	Nanjapura
29	Bannur
30	Beedanahalli
31	Bugathagatalli
32	Bettahalli
33	Banagavadi
34	Basavanahalli

(Kirgaval Hobli).

35	Bommanahalli
36	Bevinahalli
37	Bagur
38	Bendravadi
39	Basavanahalli

(Bannur Hobli).

40	Madigahalli
41	Maliyur

(Kimgaval Hobli).

42	Menacikyathanahalli
43	Mudukanapura
44	Mikkere
45	Maganahalli
46	Markulu
47	Maliyur

(Bannur Hobli)

48	Maragowdanahalli
49	Yachenahalli
50	Yedahalli
51	Ramanduru
52	Virajipura
53	Seehalli
54	Seegodipura
55	Senapathihalli
56	Somanathapura
57	Soorkahalli
58	Hanumanalu
59	Hunasegahalli
60	Hegguru
61	Halavaradamutt
62	Huvinakoppalu
63	Honaganahalli
64	Hanakola

By Order of His Highness the Maharaja,

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

NOTIFICATION. 548

No. A.F. 10308—Encl. 2, dated Bangalore, 4th March 1952.

Ordered that the accompanying Resolution No. F. 12—52, G.S.-(P.) dated 8th February 1952 of the Government of India, Ministry of Food and Agriculture, New Delhi, regarding the constitution of a Committee of Enquiry for the working of the Grow More Food Campaign, is republished for general information in the Gazette.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

Resolution.

New Delhi, dated the 8th February 1952.

No. F. 1-2—52—G.S. (P).—The Government of India, having given careful consideration to the demand recently made both in the Parliament and outside for an examination of the working of the Grow More Food Campaign, have decided to set up a Committee of Enquiry for the purpose composed of the following :—

1. Shri V. T. Krishnamachari, Member, Planning Commission ... *Chairman.*
2. Shri R. K. Patil ... ... *Member.*
3. Hon'ble Shri M. P. Patil, Minister for Agriculture, Bombay Government. ,,
4. Pandit Thakurdas Bhargava, M.P. ... ... ,,
5. Shri T. N. Singh, M. P. ... ... ,,
6. Shri Dip Narain Sinha, M.L.A. (Bihar). ... ... ,,
7. Dr. V. K. R. V. Rao, Director, Delhi School of Economics ... ,,
8. Sardar Datar Singh, Additional Secretary, Ministry of Food and Agriculture, Government of India. ,,

Shri S. T. Raja, Deputy Secretary, Ministry of Food and Agriculture, Government of India. *Secretary.*

Shri M. P. Bhargava, Chief of Agriculture Division, Planning Commission. *Jt. Secretary.*

2. The Terms of Reference of the Committee will be :—

(i) To examine the categories of G. M. F. schemes for which funds have been sanctioned and the extent to which the utilisation of the funds has been in conformity with the intended purposes ;

(ii) to assess the relative efficiency of the different categories of schemes for increasing food production in the context of the available means and the prevalent agricultural practices, particularly with respect to the use of fertilisers, compost and improved seeds, and taking into account the lag between the grant of money and the actual production of the crop ;

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(iii) to enquire whether the follow-up arrangements for demonstrating and teaching the cultivators have been properly organised in the areas in which G. M. F. funds have been spent;

(iv) to examine whether the results achieved by the G. M. F. Campaign since 1st April 1949 in terms of units of work, acreage benefited and increased food production over a specified base figure have been commensurate with the scale of expenditure involved,

(v) to suggest measures for ensuring the optimum utilisation of the available production requisites by the cultivators and for checking up on the actual expenditure of money and the results achieved; and

(vi) to examine and report on any other matter germane or incidental to the above.

3. The Committee shall have access to such official records as may be required for the purpose of the Enquiry and is authorised to call and examine such witnesses and to undertake such tours as may be necessary for the purpose. The Committee should submit its report as early as possible and in any case within six months.

Ordered that a copy of the Resolution may be communicated to all State Governments, all Ministries and Departments of Government of India, Cabinet Secretariat, Prime Minister's Secretariat and Planning Commission.

Ordered also that it may be published in the *Gazette of India*.

VISHNU SAHAY,

Secy. to the Government of India.

PART IV.

Section 2-C. 550

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

(HOME DEPARTMENT)

No. H.B. 9502-15—Mily., dated Bangalore, 27th February 1952.

In exercise of the powers conferred by Section 13 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Act V of 1938), His Highness the Maharaja of Mysore is pleased to make the following rules :—

1. These Rules may be called the Mysore Manœuvres, Field Firing and Artillery Practice Rules, 1951. Title.

2. In these Rules, unless there is anything repugnant in the subject or context,— Definitions

(*a*) "the Act" mean the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Central Act V of 1938);

(*b*) 'Revenue Officer' means a Revenue Officer of and above the rank of Amildar, appointed in this behalf by the Deputy Commissioner of the District ;

(*c*) 'Chavadi' includes, in any village in which there is no Chavadi, such place as the Deputy Commissioner may direct to be Chavadi for the purposes of these rules, or if no such direction has been issued by the Deputy Commissioner, such place in the village as is normally used by the Village Officers for the revenue work of the said village;

(*d*) "Danger zone" means any area declared to be a danger zone under sub-section (2) of Section 10 of the Act ;

(*e*) 'Evacuation' means removal from a danger zone of persons and domestic animals ;

(*f*) 'Form' means a form appended to these rules.

Publication of notice under sub-section (2) of Section 2 of the Act.

3. The State Government shall publish notice of its intention to issue a notification under sub-section (1) of Section 2 of the Act, in respect of any area, in Form I in the *Mysore Gazette* as required by sub-section (3) of Section 2 of the Act. The Deputy Commissioner of the District in which such area is situated shall also publish the aforesaid notice in the manner specified below, namely,

(*a*) by publishing it in the area in the principal Kannada Newspapers of the area;

(*b*) by beat of *tom tom* in the village situated within such area and in the vicinity thereof;

(*c*) by affixing copies of the notice in such prominent places like District Office, Sub-Divisional Office, Taluk Office, Police Stations, Chavadis, Village Panchayet Offices, if any, and such other prominent public places as the Deputy Commissioner deems fit;

(*d*) by sending copies of the Notice to the Chairman of the Village Panchayet in the area;

(*e*) by distributing copies of the notice at public Markets, Fairs, etc., if any, held in such area and in the vicinity thereof, during the currency of the notice:

Provided that the fact of the said beat of *tom tom* and affixation shall be verified in writing by the Patel and two other literate, respectable inhabitants of the locality;

(*f*) in such other manner as the Deputy Commissioner of the District may deem necessary.

Publication of Notices required under sub-section (3) of Section 9 of the Act.

4. The notice required by sub-section (3) of Section 9 of the Act, shall, in addition to the publication in the *Mysore Gazette* and other modes provided by sub-section (4) of the said Section, be published in the manner provided in Rule 3. The said notice shall be in Form II.

Duty of Officer in Command of Military Forces.

5. The Officer in Command of Military Forces engaged in the Manœuvres or in Field Firing and Artillery Practice shall intimate in writing to the Revenue Officer at least 72 hours in advance, of the exact time when the operations will commence and also forward along with the intimation a clear plan showing the exact locality which shall be clearly described, where the operations will be carried on. The locality where the operations will be

carried on shall also be indicated on the ground by means of marks such as red flags.

Procedure of Revenue Officer or Officers before the practice.

6. (1) The Revenue Officer shall on receipt of such intimation, immediately inspect the notified area accompanied by the Village Officers and two respectable residents of the locality notified and a person nominated by the Officer Commanding, and prepare a record of the condition of the land and the alterations that are likely to be made in it for the purposes of the operations. The Revenue Officer shall, as far as possible, secure the presence of the owner or occupier of the land and include in the record the gist of the latter's representations, if any.

(2) The Revenue Officer shall ascertain the place, if any, within the notified area of the categories falling under sub-section (2) of Section 3 of the Act and furnish the information in writing to the person nominated by the Officer Commanding.

(3) The Revenue Officer shall ascertain the quantity of water ordinarily required by those entitled to the use of water from sources of supply within the notified area and furnish the information in writing to the person nominated by the Officer Commanding.

(4) The Revenue Officer shall fix his camp at some central place in or near the area and shall with the least practicable delay announce by beat of *tom tom* and by distribution of notice to the residents in the area the provisions of Section 6 of the Act and the place of his camp. He shall also announce that all complaints and claims for compensations shall be presented to him in person or by Agent within 48 hours of such announcement and that any avoidable delay in their presentation shall render them liable for rejection.

Precautions to be taken in the Danger Zone.

7. (1) The Revenue Officer shall cause all thoroughfares, paths, by-ways and other approaches to a notified area to be guarded by sign boards, pickets and any other means he thinks necessary on the day of the field firing or artillery practice.

(2) The Deputy Commissioner of the District shall, on application made to him by the Officer Commanding the Forces engaged in the practice, direct the District Superintendent of Police of the District or any other

officer deputed by him in this behalf to arrange for the evacuation and guarding of the danger zone under the supervision of the Revenue Officer. Notice of such evacuation shall be given at least seven days before the date of evacuation.

(3) The Revenue Officer shall arrange to announce by beat of *tom tom* to the inhabitants of the notified area, the provision of Section 12 of the Act.

(4) The Revenue Officer shall take steps, before any evacuation takes place, for the closing and sealing of houses, temples and other premises, in the presence of the owners thereof, and if the owners are absent from the danger zone, in the presence of the Village Officers and two respectable inhabitants, residing in the danger zone.

(5) The Revenue Officer shall inform the inhabitants of the surrounding areas, at least 48 hours in advance, by beat of *tom tom* and publication of notice in the Chavadi and other prominent places, in each village, of the time of commencement and duration of the operations and warn them (i) not to enter or remain in any camp without due authority; and (ii) not to interfere without due authority with any flag or target or any apparatus used for the purpose of Manœuvres, Field Firing and Artillery Practice.

(6) When any area is declared to be a 'notified area, under sub-section (1) of Section 9, or a danger zone under sub-section (2) of Section 10 of the Act, the Officer Commanding shall cause to be put up at approaches, thoroughfares, paths, by-ways, etc., leading to such area, and on all sides of the danger zone, or notified area as the case may be prominent danger signals and written warnings in English and Kannada, prohibiting the entry into the area during the times when the discharge of lethal missiles is taking place or there is danger to life or health. He shall also post sentries or pickets, as far as possible, when the discharge of lethal missiles is taking place or there is danger to life or health.

(7) On receipt of the Deputy Commissioner's order under sub-section (2) of Section 10 of the Act, the Revenue Officer shall notify in the manner specified in sub-rule (5) that the entry into the danger zone is prohibited and that all persons and domestic animals will be removed during the times when the discharge of lethal

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missiles is taking place or there is danger to life or health, after payment of compensation in accordance with the provisions of the proviso to Section 11 of the Act.

Procedure of the Revenue Officer after the practice.

8. (1) When on the conclusion of operations, the Officer Commanding has restored the lands as far as practicable to their previous condition, he shall notify the fact to the Revenue Officer, who shall thereupon inspect the land with the Village Officers and the two respectable residents who accompanied him in the first instance under sub-rule (1) of Rule 6 or if their presence cannot be secured due to death, ill-health or any other reason, with two other respectable residents of the locality notified, and record his remarks as to the extent to which each land which has not been restored to its previous condition has suffered damage.

(2) Any person who claims compensation under Section 5 of the Act, shall appear in person or by agent before the Revenue Officer within seven days from the date on which his claim arose and state the nature of the claim, the amount of compensation he demands and his titles thereto. The statement shall be made in or reduced to writing and signed by the claimant or his agent.

(3) The Revenue Officer shall fix a specified day or days of the week commencing from the day next after the operations have concluded and a place for inquiry into the claims and notify them in the manner specified in sub-rule (5) of Rule 7.

(4) On the appointed day or days the Revenue Officer shall enquire into all the claims received in time and determine the amount of compensation to be awarded in each case. The Revenue Officer shall conduct the enquiry expeditiously but may adjourn it as may be necessary.

(5) The Revenue Officer shall, in the presence of the representative nominated for the purpose by the Military Authorities under sub-rule (1) of Rule 11 hear the claimant and the evidence, if any, produced by him on matters relevant to the enquiry and receive any written statement filed by him. The Revenue Officer's enquiry shall be of a summary nature. He need not record the evidence of the claimant or his witnesses.

(6) The Revenue Officer may inspect again the place of damage with the Village Officers and the two respectable residents of the locality mentioned in sub-rule (1) of Rule 8, provided they are not claimants, if he considers such further inspections necessary to enable him to appreciate the evidence adduced before him and to fix the compensation to be awarded, in the presence of the claimant or his agent, and the representative nominated by the Military Authorities under sub-rule (1) of Rule 11 who shall also be present at the time of inspection.

(7) In deciding the amount of compensation to be awarded, the Revenue Officer shall take the assistance of the two respectable residents of the locality who accompanied him in his inspections under sub-rule (1) of Rule 8 and these shall act as assessors. The Revenue Officer shall record and take into consideration the opinions expressed by the assessors on the points at issue in each case but shall not be bound to accept them.

Registry of claims.

9. The Revenue Officer shall enter all the claims in a Register which shall contain the following particulars:—

1. Number and date of the claim.
2. Name of the village.
3. Name of the claimant.
4. Nature of claims, and date on which the claim arose.
5. Compensation claimed with date urged for the claim.
6. Compensation awarded with brief reasons for the decision.
7. Signature of the party in acknowledgement of the communication of the decision.
8. If the party does not accept the award, date of intimation of his notice of intention to appeal.
9. Signature of party in token of receipt of the compensation awarded.
10. Remarks.

The decision shall briefly give a gist of the evidence adduced and the reasons which have weighed with the Revenue Officer. The claimant shall on application, be supplied free of charge a copy of the decision and of any notes of inspection recorded by the Revenue Officer.

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10. No legal practitioners shall be allowed to appear before the Revenue Officer; but any claimant may authorise a servant, gumastha, partner, relative or friend to appear and represent his claims.

Appearence of legal practitioners prohibited.

11. (1) The Officer Commanding shall nominate a person to be present at the enquiry and shall furnish him with funds to enable the Revenue Officer to pay the claimants on the spot as soon as he passes his awards.

Representative of Officer Commanding.

(2) The Revenue Officer shall take into consideration the representations, if any, made by the person so nominated by the Officer Commanding before arriving at his decision on each claim.

12. If a claimant refuses to receive the money awarded or if there are rival claimants to it, the Revenue Officer shall receive it from the person nominated bythe Officer Commanding and place it in the Revenue Deposit in the nearest Treasury.

Depoit of compensation.

13. On receipt from the claimant of the notice of intention to appeal, which shall be within 15 days from the communication to him of the decision of the Revenue Officer, the Revenue Officer shall report the fact to the Deputy Commissioner and forward an extract of all the entries in the Register of Claims, referred to in Rule 9, relating to the claim and all other papers, if any, relating to the claim.

Notice of appeal.

14. When any such notice of appeal has been given, the Deputy Commissioner of the District, shall constitute a Commission consisting of himself as Chairman, a person nominated by the Officer Commanding the Forces engaged in the Manoeuvres and two persons nominated by the District Board and the Commission shall decide all the appeals of which notice has been given.

15. (1) The Commission shall have its first sitting to hear appeals not later than thirty days from the communication of the Revenue Officer's decision to the claimant. It shall not be necessary for the Commission so to meet unless it has received from the claimant within three weeks from the date of communication of the Revenue Officer's decision to the claimant, a memorandum

Hearing of appeals by the Commission.

stating the grounds of appeal and the relief claimed. The Commission shall be competent to reject summarily any appeal in respect of which a memorandum has not been filed within the said period.

(2) A notice specifying the time and place fixed to hear the appeal shall be given to the appellant at least seven clear days before such sitting. The notice shall be served on the appellant in person or if he cannot be found at the address given by him before the Revenue Officer, it may be served on any adult member of the family residing with him, or failing that, affixed to a prominent part of the building specified in that address.

(3) The Commission may adjourn its sittings if it finds it necessary to do so; but an appeal shall be disposed of as expeditiously as possible.

(4) The Commission shall record its decision in writing and such decisions shall contain details of the claims made and the reasons for the decisions. A copy of the decision shall on application be given to the claimant concerned free of charge.

(5) For the purpose of deciding an appeal, the Commission may depute any two of its members to inspect the place where the alleged damage has occurred and to assess the damage caused. The report of the members so deputed shall be considered by the Commission in deciding the appeal.

Payment of additional compensation awarded by Commission.

16. The Officer Commanding shall place the additional compensation, if any, awarded by the Commission at the disposal of the Deputy Commissioner of the District within seven days of the date on which the appeal is decided.

Procedure for disbursement of additional compensation.

17. The Deputy Commissioner shall place the additional compensation, if any, in Revenue Deposit and arrange for the disbursement of the entire compensation to the appellant as early as possible by the issue of a refund order to the appropriate Treasury in case in which the amount was originally refused by the appellant and deposited by the Revenue Officer.

18. If the person who is entitled to receive the compensation or any portion thereof:

Procedure for payment of compensation to minors, etc.

(a) is a minor, or

(b) is of unsound mind, or

(c) has only limited interest in the land or other property which has suffered damage.

The order of the Deputy Commissioner shall be obtained for the payment.

19. (1) Damage to person shall be assessed with reference to the age and status of the person injured, nature and duration of the injury caused, his earning capacity, the extent to which his earning capacity has been diminished and the period during which such diminition of his earning capacity is likely to continue and the special circumstances of the injur-d and his dependants that are brought to notice during the enquiry.

Assessment of damage and scale of compensation.

(2) Damage to property shall be determined with reference to the prevailing market value of the property, the loss sustained by the removal of any standing crops or trees or buildings or other structures thereon, the loss sustained by the deprivation of the use of the property during the period of the operations, the loss caused by severance of the property in the notified area from the other property of the claimant and the loss caused by injurious affection to other property moveable or immoveable or the earnings of the claimant and such other revelant considerations as may be disclosed during the Revenue Officer's enquiry.

(3) In fixing the compensation in the case of damage to crops on any land, the Revenue Officer shall assess the damage after personal inspection of such land by comparing the estimated out-turn of such land with the estimated out-turn of the neighbouring land which has not been damaged after making due allowance for the difference in soil or irrigation facilities or other factors affecting the out-turn.

(4) Damage for interference with the rights or privileges or both shall be assessed solely with reference to the natural loss sustained by the claimant by such interference.

(5) If the damage to a building is so great that it cannot be repaired, the full cost of such building (as it was at the commencement of the operations) less the cost of the existing materials, if any, together with fifteen per cent of the difference shall be awarded as compensation. If the claimant does not elect to take the materials, they shall be handed over to the Officer Commanding for disposal and the full value of the building paid to the claimant.

(6) If a land is permanently impaired in value, the difference between the original market value and the value in its impaired state *pus* fifteen per cent of such difference shall be paid to the claimant as compensation.

(7) Besides compensation for the damage arising from Manoeuvres or Field Firing or Artillery Practice, expenses reasonably incurred in protecting the person, property, rights and privileges of a claimant during the time of the operations shall also be allowed.

(8) If a person is directed to remove himself and his domestic animals from any danger zone under sub-section (2) of Section 10 of the Act, the expenses of such removal as estimated by the Revenue Officer shall be paid at least 12 hours in advance of the hour before which the evacuation has to be completed.

(9) The minimum amount of compensation payable for the exclusion or removal of a person or domestic animal from any place ordered to be a danger zone under sub-section (2) of Section 10 of the Act, shall be the amount required for the removal to the nearest place of safety and for meeting any extra cost of living or feeding charges or accommodation of the person or animal at current local rates that would have to be incurred during the period for which the exclusion is enforced.

Compensation not payable if damage is due to contravention of rules, etc.

20. No compensation shall be awarded for any damage caused to any person or property by the infringement of the warnings and instructions issued under these Rules.

FORM I—(RULE 3).

NOTICE UNDER SUB-SECTION (2) OF SECTION 2.

Under sub-section (2) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), His

Highness the Maharaja of Mysore, hereby give notice of their intention to issue, on or after the expiry of three months from the date of the first publication of this notice in the *Mysore Gazette* a notification under sub-section (1) of the said Section, authorising the execution of military manoeuvres over the area specified in the first column of the schedule hereto annexed during the period specified in the second column thereof.

2. After the notification referred to in paragraph 1 above has been issued, such persons as are included in the military forces engaged in the manoeuvres will be at liberty within the limits and during the periods specified in the notification.—

(*a*) to pass over, or encamp, construct military works of a temporary character, or execute military manoeuvres on, the area specified in the notification; and

(*b*) to supply themselves with water from any source of water in such area:

Provided that the water taken is not in excess of the reasonable requirements of the military forces or does not curtail the supply of ordinarily required by those entitled to the use of such water-supply.

3. The liberties mentioned in the paragraph 2 do not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any garden or pleasure ground, or any ancient monument as defined in the law relating to ancient monuments for the time being in force. The Officer in Command of the Military Forces engaged in the manoeuvres will cause all lands used to be restored, as soon and as far as practicable, to their previous condition.

4. Compensation is payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such manoeuvres including expenses reasonably incurred in protecting person, property, rights and privileges. The Deputy Commissioner of the District will depute one or more Revenue Officers to accompany the forces engaged in the manoeuvres for the purpose of determining the amount of compensation, if any, payable. The Revenue Officer will consider all claims for compensation and determine, on local

investigation and where possible after hearing the claimant, the amount of compensation, if any, to be awarded in each case, and will disburse on the spot to the claimant the compensation so determined as payable. Any claimant who is dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer, give notice to that officer of his intention to appeal against the decision. Where any such notice has been given, the Deputy Commissioner of the District will constitute a commission consisting of himself as Chairman, a person nominated by the Officer Commanding the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission will decide all appeals of which notice has been given. The Commission is competent to exercise its powers notwithstanding the absence of any member of the Commission, and the Chairman of the Commission will have a casting vote in the case of an equal division of opinion. The decision of the Commission will be final and no suit will lie in any Civil Court in respect of any matter decided by the Commission. No fee will be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Deputy Commissioner or the Commission.

5. If within the area and during the period specified in the notification referred to in paragraph 1, any person wilfully obstructs or interferes with the execution of the manoeuvres, or without due authority enters or remains in any camp or interferes with any flag or mark or any apparatus used for the purpose of manoeuvres he will be punishable with fine which may extend to ten rupees.

SCHEDULE.

Area over which the execution of military manoeuvres is authorised.	Period during which the execution of military manoeuvres is authorised.

FORM II—(Rule 4).

NOTICE UNDER SUB-SECTION (3) OF SECTION 9.

Under sub section (3) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), His Highness the Maharaja of Mysore, hereby give notice of their intention to issue, on or after the expiry of two months from the

date of the first publication of this notice in the *Mysore Gazette*, a notification under sub-section (2) of the said section authorising the carrying out of field firing and artillery practice over the whole or part of the area specified in the first column of the schedule hereto annexed during the period specified in the second column thereof.

2. After the notification referred to in paragraph 1 above has been issued, such persons as are included in the forces engaged in field firing or artillery practice will be at liberty, within the area defined in a notification issued under sub-section (1) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, or any specified part thereof during the period or periods specified in the notification referred to in paragraph 1—

(*a*) to carry out field firing and artillery practice with lethal missiles,

(*b*) to pass over, or encamp, construct military works of a temporary character, or execute military manoeuvres on the area specified, and

(*c*) supply themselves with water from any source of water in such area:

Provided that the water taken is not in excess of the reasonable requirements of the military forces or does not curtail the supply ordinarily required by those entitled to the use of such water-supply. The Officer Commanding the forces engaged in any such practice may, within the notified area or specified part thereof declare any area to be a danger zone and thereupon the Deputy Commissioner will, on application made to him by the Officer Commanding the forces, engaged in the practice, prohibit the entry into and secure the removal from such danger zone, of all persons and domestic animals during the times when the discharge of lethal missiles is taking place or there is danger to life or health.

3. The liberties mentioned in paragraph 2 do not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any ancient monument as defined in law relating to ancient monuments for the time being in force. This, however, does not debar entry into, or interference with any such place if it is situated in an area declared to be a danger zone, to

the extent that may be necessary to ensure the exclusion from it of persons and domestic animals. In the case of a dwelling house occupied by women adequate warning will be given through a local inhabitant and entry will be effected after such warning in the presence of two respectable inhabitants of the locality.

4. Compensation is payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such field firing and artillery practice including expenses reasonably incurred in protecting person, property, rights and privileges. Compensation so payable will include compensation for exclusion or removal from any place declared to be a danger zone of persons or domestic animals, such compensation to be disbursed at not less than the minimum rates prescribed in Rule 19 of the Mysore Manoeuvres, Field Firing and Artillery Practice Rules, 1951, before the exclusion or removal is enforced, and will also include compensation for any loss of employment or deterioration of crops resulting from any such exclusion or removal. The Deputy Commissioner of the district will depute one or more Revenue Officers to accompany the forces engaged in field firing and artillery practice for the purpose of determining the amount of compensation, if any, payable. The Revenue Officer will consider all claims for compensation and determine, on local investigation and where possible after hearing the claimant, the amount of compensation, if any, to be awarded in each case; and will disburse on the spot to the claimant the compensation so determined as payable. Any claimant who is dissatisfied with a refusal of the Revenue Officer to award his compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer give notice to that officer of his intention to appeal against the decision. Where any such notice has been given, the Deputy Commissioner of the District will constitute a commission consisting of himself as Chairman, a person nominated by theOfficer Commanding the Forces engaged in field firing and artillery practice and two persons nominated by the District Board, and the Commission will decide all appeals of which notice has been given. The Commission is competent to exercise its powers notwithstanding the absence of any member of the Commission, and the Chairman of the Commission will have a casting vote in the case of an equal division of opinion. The decision of the Commission will be final and no suit will lie in any Civil Court in respect of any matter decided by the Commission. No fee will be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Deputy Commissioner or the Commission.

5. If, during any period specified in the notification referred to in paragraph 1, any person within the notified area wilfully obstructs or interferes with the carrying out of field firing or artillery practice, or without due authority enters or remains in any camp or enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or interferes with any flag or mark or target or any apparatus used for the purposes of the practice he will be punishable with fine which may extend to ten rupees.

SCHEDULE.

Area over which the field firing and artillery practice is authorised.	Period during which the field firing and artillery practice is authorised.
(1)	(2)

By Order of His Highness the Maharaja of Mysore,

E. V. GANAPATI IYER,

Chief Secretary to Government.

No. T. 7647—T. 14-51-36, dated Bangalore, 5th March 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, His Highness the Maharaja is pleased to direct that the goods vehicles registered in Coorg, bearing the following numbers be exempted from payment of Road Tax leviable in Mysore under the said Act, as long as they are engaged for transport to Mysore of the rice offered by the Government of Coorg :—

1	CGA	749,	7	CGA	199,	13	CGA 823,
2	do	461,	8	do	322,	14	do 833,
3	do	746,	9	do	665,	15	do 556,
4	do	714,	10	do	780,	16	do 808, and
5	do	713,	11	do	571,	17	do 866.
6	do	523,	12	do	348,		

By Order of His Highness the Maharaja,

No. L. 14305—Ml. 54-51-7, dated Bangalore, 8th March 1952.

In exercise of the powers vested in Government by virtue of clause (*d*) of the proviso to Section 2 of the Mysore Town Municipalities Act, 1951, (Mysore Act XXII of 1951 as amended by Mysore Act 1 of 1952), His Highness the Maharaja of Mysore is pleased to appoint Sri Onkarappa, son of Sri Ramappa, Shikaripur Town, as a nominated Councillor of the Shikaripur Town Municipal Council in the vacancy caused by Sri V. N. Khandike ceasing to be a Councillor.

By Order of His Highness the Maharaja,

No. L. 14308—C.M. 41-51-6, dated Bangalore, 8th March 1952.

In exercise of the powers conferred by Section 8 of the Mysore Amusements Tax Act, 1932, His Highness the Maharaja of Mysore is pleased to exempt from liability to entertainments tax the Cricket Matches conducted by the Mysore State Cricket Association, Bangalore.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L.S. 4867—L.W. 281-51-5, dated Bangalore, 5th March 1952.

In pursuance of the proviso to Rule 4 of the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, issued in Notification No. L.S. 3061—L.W. 22-51-10, dated 8th November 1951, His Highness the Maharaja of Mysore is pleased to relax the qualification mentioned in clause (*b*) of Rule 4 of the said rules in the case of Sri B. S. Siddappa, B.A., LL.B., Labour Welfare Officer, Tobacco Manufacturers (India), Ltd., Bangalore.

By Order of His Highness the Maharaja,

No. 5842—P. & N. 17-51-6, dated Bangalore, 7th March 1952.

In exercise of the powers conferred by clause (*c*) of Section 2 of the Press (Objectionable Matter) Act, 1951 (Central Act No. LVI of 1951), His Highness the Maharaja of Mysore is pleased to empower the District Magistrates in the State and the Secretaries to the State Government to exercise the powers of the Competent Authority under the said Act.

By Order of His Highness the Maharaja,

No. 5853—P. & N. 17-51-7, dated Bangalore 7th March 1952.

In exercise of the powers conferred by sub-section (1) of Section 12 of the Press (Objectionable Matter) Act, 1951 (Central Act No. LVI of 1951), His Highness the Maharaja of Mysore is pleased

(i) to authorise the District Superintendents of Police for purposes of detention and forwardal of packages under the said sub-section; and

(ii) to appoint the District Magistrates in the State to be the officers to whom the packages detained within their jurisdictions shall be forwarded for disposal under the said sub-section.

By Order of His Highness the Maharaja,

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No. 5865—P. & W. 17-51-8, dated Bangalore, 7th March 1952.

In exercise of the powers conferred by sub-section (2) of Section 13 of the Press (Objectionable Matter) Act, 1951 (Central Act No. LVI of 1951), His Highness the Maharaja of Mysore is pleased appoint the District Magistrates of Districts in the State to be the officers to whom the articles detained within their respective jurisdictions under the aforesaid sub-section shall be delivered.

By Order of His Highness the Maharaja,

— —

No. L.S. 4920 -L.W. 304-51-1, dated Bangalore, 8th March 1952.

In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Boilers Act, 1923 (Central Act No. V of 1923) and in supersession of all previous notifications in this behalf, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour in Mysore, to be the Chief Inspector for the State of Mysore under the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. C. 1687, dated Bangalore 6th February 1952.

In exercise of the powers conferred by Section 3 and clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co. dated the 3rd October 1949, namely :—

(1) In respect of the drugs in the said schedule specified in Column 1 hereunder which are manufactured by Volkart Brothers, Bombay and Glaxo Laboratories for

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the prices specified in Column 2 of the said schedule to prices specified in Column 2 hereunder shall be substituted.

VOLKART BROTHERS, BOMBAY

'Roche' Specialities.
Gantrisin 'Roche'

			Rs.	a.	p.
Sulfonamide preparation					
Tablets O. 5 gm. bot. of 20	...	...	5	4	0
Ampoules 2 gms. box of 3	...	...	7	6	0

GLAXO LABORATORIES.

Seclopen (Dry Procaine Penicillin with crystalline sodium Penicillin)	...	... 1 dose.	2	1	0
Do	do	5 doses.	8	5	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2355—Legis. 4-51-116, dated Bangalore, 13th March 1952.

Ordered that the Capital Issues (Continuance of Control) Amendment Act, 1952 (Central Act No. VI of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 25th February 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 23rd February 1952.

THE CAPITAL ISSUES (CONTINUANCE OF CONTROL) AMENDMENT ACT, 1952. (VI OF 1952.)

AN

ACT

further to amend the Capital Issues (Continuance of Control) Act, 1947.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Capital Issues (Continuance of Control) Amendment Act, 1952.

2 Amendment of section 1, Act XXIX of 1947.—In sub-section (3) of section 1 of the Capital Issues (Continuance of Control) Act, 1947 (hereinafter referred to as the principal Act), for the figures "1952" the figures "1956" shall be substituted.

3 Amendment of section 12, Act XXIX of 1947.—In section 12 of the principal Act, after the words "this Act" the words "and in particular for the levy of fees on applications made to the Central Government for its consent" shall be inserted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4960—L.W. 258-51-10, dated Bangalore, 12th March 1952.

Whereas by Order No. L.S. 4035—L.W. 258-51-9, dated 12th January 1952, made by the State Government, an Industrial dispute between the Workers and the Management, of the Mysore State Branches of Messrs. Singer Sewing Machine Co., Ltd., specified in Schedule I below, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated the 15th June 1951;

And whereas His Highness the Maharaja of Mysore is of opinion that further items of dispute between the same parties, specified in Schedule II below, should also be referred to the Tribunal for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) His Highness the Maharaja hereby refers the said further items of dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated the 15th June 1951:—

SCHEDULE I.

1	Messrs. Singer Sewing Co. Ltd.,		...	Bangalore City Branch
2	Do	do	... ...	Bangalore Civil Area Branch
3	Do	do	... ...	Mysore City Branch
4	Do	do	... ...	Robertsonpet (Kolar Gold Fields)
5	Do	do	... ...	Channapatna Branch
6	Do	do	... ...	Shimoga Branch
7	Do	do	... ...	Hassan Branch
8	Do	do	... ...	Tumkur Branch
9	Do	do	... ...	Nanjangud Branch

SCHEDULE II.

1 Payment of bonus for the years, 1948, 1949 and 1950.
2 Restoration of the original rate of interest paid on cash securities furnished by the employees.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV. 572

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L. 14312—Ml. 82-51-23, Bangalore, dated 8th March 1952.

In exercise of the powers conferred by Section 48 (1) (x) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) His Highness the Maharaja of Mysore is pleased to make the following model bye-laws for securing the protection of public parks, gardens and open spaces vested in or under the control of the Town Municipal Councils in the State from injury or misuse and for regulating the management and the manner in which they may be used by the public and for providing for the proper behaviour of persons in them :—

Bye-laws for Regulating the use of Public Parks, Gardens and open spaces.

1. In these bye-laws, the words 'Public parks, gardens and open spaces' shall mean such public parks, gardens and open spaces as are vested in or are under the control of the Municipal Council.

2. *Parks, Gardens or open spaces when to be kept open.*—Every public park, garden and open space shall remain open to the public between such hours as may be notified by the President on the notice board to be placed in some conspicuous part of the entrance to such park, garden or open space.

3. *Public Entertainments, Ceremony or Exhibition.*—No public entertainment, ceremony or exhibition shall be held in a public park, garden or open space, except after permission has been obtained from or given by the President in that behalf. Such park, garden or open space shall be kept open or closed for such period and upon such terms and conditions as may be considered

expedient by the President and notified in the manner mentioned in Bye-law No. 2 or by notification in one or more local newspapers. This shall not apply to meetings that come under bye-law No. 4.

4. *Public meetings in parks, etc.*—No public meetings shall be held in any public park, or garden except in such portion thereof as is set apart by the Municipal Council for the purpose of such meetings, and in any public park, or garden when any such portion is not set apart, no public meeting shall be held without the permission of the President.

5. *Entrance or Exit.*—No person shall enter or quit a public park, garden or open space except by one of the gates or other opening, if any, provided for the purpose.

6. *Prohibition against defacing or displacing Notice Boards.*—No person shall deface or displace any board or tablet in a public park, garden or open space wherein any notice or bye-law of the Municipal Council is exhibited.

7. *Prohibition against bringing of animals.*—No person shall bring into a public park, garden or open space any animal whatsoever except dog in leash or suffer to remain therein any animal belonging to him or in his charge.

8. *Posting hand bills.*—No person shall, except with the written permission of the President, post or affix any bill, placard or notice in any part of, or upon any tree, in a public park, garden or open space nor shall any handbills be distributed in any public park, garden or open space, except with the permission of the President.

9. *Prohibition against removing or disturbing soil, etc.*—No person otherwise than in the discharge of his official duty as a servant of the Municipality, shall remove or disturb any soil, turf or flowerbed or pluck any flower or leaf in a public park, garden or open space.

10. *Damaging property or throwing rubbish.*—No person shall destroy, injure, deface, soil or defile any part of any wall, fence, barrier or railings in or enclosing any public park, garden or open space or any part of any seat, building, monument, work of art, ornament or decoration or any other structure or erection of any municipal property in a public park, garden or open space.

11. *Throwing stones, etc.*—No person shall throw on, or discharge into a public park, garden or open space, stones or other missiles.

12. *Prohibiting the climbing of trees, walls, etc.*—No person shall climb any tree, wall, fence, barrier, railings or post in or enclosing a public park, garden or open space.

13. *Games.*—No game shall be played in a public park, garden or open space, except subject to such conditions, as may from time to time, be prescribed by the President and notified on a notice board placed in some conspicuous part of the entrance of the public park, garden or open space.

14. *Drinking.*—No person shall drink within a public park, garden or open space any intoxicating liquor.

15. *Erections.*—Except with the written permission of the President, no person shall erect any post, rail, fence, pole, tent, booth, stand, building or other structure in a public park, garden or open space.

16. *Sale of articles.*—No person shall, except with the written permission of the President, sell or offer or expose for sale or left to hire or offer or expose for letting to hire any commodity or article in a public park, garden or open space.

17. *Drying or bleaching linen.*—No person shall spread or deposit any linen or other fabric in a public park, garden or open space for the purpose of drying or bleaching the same.

18. *Obstructing or disturbing servants on duty and others.*—No person shall wilfully obstruct, disturb, or interrupt any other person in the proper use or enjoyment of a public park, garden or open space or wilfully obstruct, disturb or interrupt any officer or servant of the Municipality or any person employed by the Municipality in the execution of his duty.

19. *Nuisance.*—No person shall commit nuisance in public park, garden or open space.

20. *Creating disturbance or causing annoyance to the public.*—No person shall create disturbance or cause annoyance to the public in a public park, garden or open space or use abusive, obscene or profane language.

21. *Prohibition of entry of person suffering from loathsome or infectious disease.*—No person who is suffering from any loathsome or infectious disease shall enter a public park, garden or open space.

22. *Prohibition of Grazing, etc., of animals in public parks.*—No person shall graze or feed any animal, or suffer any animal to be grazed or fed on any grass or tree in any public park, garden or open space.

23. *Prohibition of writing, etc., on trees.*—No person shall write, paint, cut or carve or affix anything on any tree in any public park, garden or open space.

24. *Prohibition of Driving Nails, etc., into trees.*—No person shall drive any nail or ring or any other similar article into any tree in any public park, garden or open space.

25. *Prohibition of tethering animals to trees, etc.*—No person shall tether any animal to any tree or fence or post in or pertaining to, any public park, garden or open space.

26. *Prohibition of bathing, etc., in tanks and ponds, etc.*—No person shall bathe or wash clothes in any tank, pond or ornamental water storage in any public park or garden where a notice to that effect is put up by the Municipal Council.

27. *Penalty for breach of bye-laws.*—Whoever commits a breach of any of the above bye-laws shall, on conviction before a Magistrate, be punishable with a fine which may extend to rupees twenty-five.

By Order of His Highness the Maharaja,

No. L. 14642—C.M. 89-51-3, dated Bangalore, 13th March 1952.

In exercise of the powers conferred by Clause (ca) of Section 58 of the Mysore City Municipalities Act, 1933 (Mysore Act VII of 1933) His Highness the Maharaja of Mysore is pleased to direct the City Municipal Councils of Mysore and Davangere Cities to make reasonable provision for compost-making within the Municipality under their authority.

By Order of His Highness the Maharaja,

No. L. 14645—C.M. 89-51-2, dated Bangalore, 13th March 1952.

In exercise of the powers conferred by Section 209-A of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act No. LXIX of 1949) His Highness the Maharaja of Mysore is pleased to direct the Corporation of the City of Bangalore to make reasonable provision for compost-making within the area under its authority.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L.S. 4950—L.W. 187-51-7, dated Bangalore, 12th March 1952.

In exercise of the powers conferred by Section 7 of the Employement of Children Act, 1938 (Central Act No. XXVI of 1938), as amended by No. XLVIII of 1951), His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been previously published in the *Mysore Gazette*, dated the 10th January 1952, in Government Notification No. L.S. 3886—L.W. 187-51-4, dated the 31st December 1951, as required by sub-section (1) of Section 7 of the said Act.

The Mysore Employment of Children Rules, 1952.

1. These Rules may be called the Mysore Employment of Children Rules, 1952.

2. In these Rules, (i) "the Act" means the Employment of Children Act, 1938 (Central Act XXVI of 1938); (ii) all other expressions shall have the meanings respectively assigned to them in the Act.

3. An Inspector appointed under Section 6 of the Act, by the State Government may enter any place where persons are employed in any occupation mentioned in the Schedule to the Act and may take on the spot, or otherwise, such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.

4. Any Medical Practitioner registered under the Mysore Medical Practitioners' Act of 1931 (Mysore Act

V of 1931), may grant certificate of age in respect of young persons in employment, or seeking employment in any of the occupations mentioned in the Schedule to the Act.

5. A certificate of age granted under Rule 4, shall be in the form appended to these Rules.

6. The certificate of age may be granted by a Medical Practitioner on payment of a fee of one rupee by the occupier for each certificate.

7. The occupier desiring to have a certificate of age shall write to the Medical Authority stating the nature of industry that is carried on in his workshop, the name of the child whom he wants to employ in his workshop and the name of the child's father.

8. The Medical Authority on receipt of the application stated in Rule 7 shall for the purpose of satisfying himself as to the correct age of the child require the occupier to produce the child before him at such place and at such time as may be stated by him and thereafter issue the sertificate in the form prescribed retaining a copy of it with him.

FORM OF CERTIFICATE.

(*Rule 5*).

Dated.....

I hereby certify that I have personally examined (name)..... ..... son of..... ..... caste, etc.....residing at..... and that he has completed his fourteenth year.

His descriptive marks are.....

Thumb impression.

Medical Practitioner.

By Order of His Highness the Maharaja,

No. W. 912, dated Bangalore, 17th March 1952.

In exercise of the powers conferred by Section 2 8 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951), His Highness the Maharaja of Mysore is pleased to direct that in the Second Schedule to the said Act, the following item shall be added, namely :—

"5, Kolar Gold Fields Sanitary Board Area."

This amendment shall come into force from 1st April 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV.

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1104—Legis. 3-51-27, dated Bangalore, 20th September 1951.

Ordered that the Displaced Persons (Debts Adjustment) Bill, 1951 (Central Bill No. 69 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 25th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bill was introduced in Parliament on the 18th August, 1951 :—

BILL No. 69 OF 1951.

A Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

BE it enacted by Parliament as follows :—

CHAPTER I.
PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Displaced Persons (Debts Adjustment) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States or for different parts thereof.

2. *Definitions.*—In this Act, unless the context otherwise requiries,—

(1) "company" means a company as defined in the Indian Companies Act, 1913 (VII of 1913), and includes a company deemed to be registered under that Act by reasons of any of the provisions contained in this Act ;

(2) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913);

(3) "compensation" means any compensation paid, whether in cash or in kind, in respect of any immovable property in West Pakistan belonging to a displaced person under any general scheme arrived at in this behalf between the Government of India and the Government of Pakistan or framed by the Government of India ;

(4) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force in any State for the registration of co-operative societies ;

(5) "Co-operative Societies Act" means the Co-operative Societies Act, 1912 (II of 1912), and includes any other law for the time being in force in any State relating to co-operative societies ;

(6) "debt" means any pecuniary liability, whether payable presently or in future, or under a degree or order of civil or revenue court or otherwise, or whether ascertained or to be ascertained, which—

(*a*) in the case of a displaced person who has left or been displaced from his place of residence in any area now forming part of West Pakistan, was incurred before he came to reside in any area now forming part of India ;

(*b*) in the case of a displaced person who, before and after the 15th day of August, 1947, has been residing in any area

now forming part of India, was incurred before the said date on the security of any property situate in the territories now forming part of West Pakistan :

Provided that where any such liability was incurred on the security of properties situate both in India and West Pakistan, the liability shall be so apportioned between the said properties that the liability in relation to each of the said properties bears the same proportion to the total amount of the debts as the value of each of the properties as at the date of the transaction bears to the total value of the properties furnished as security, and the liability, for the purposes of this clause, shall be the liability which is relatable to the property in West Pakistan ;

(c) is due to a displaced person from any other person (whether a displaced person or not) in the territories to which this act extends ;

and includes

any pecuniary liability incurred before the commencement of this Act by any such person as is referred to in this clause which is based on, and is solely by way of renewal of, any such liability as is referred to in sub-clause (a) or sub-clause (b) or sub-clause (c) :

Provided that in the case of a loan, whether in cash or in kind, the amount originally advanced and not the amount for which the liability has been renewed shall be deemed to be the extent of the liability,

but does not include

any pecuniary liability due under a decree passed after the 15th day of August 1947, by any court situate in West Pakistan or any pecuniary liability the proof of which depends merely on an oral agreement ;

(7) "displaced bank" means a banking company which, before the 15th day of August, 1947, carried on the business of banking, whether wholly or partially, in any area now forming part of West Pakistan and is declared to be displaced bank within the meaning of this Act by the Central Government by notification in the Official Gazette ;

(8) "displaced creditor" means a displaced person to whom a debt is due from any other person, whether a displaced person or not :

(9) "displaced debtor" means a displaced person from whom a debt is due or is being claimed ;

(10) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of West Pakistan, has, after the 1st day of March, 1947, left, or been displaced from, his place of residence in such area and who has been subsequently residing in India, and includes any person who is resident in any place now forming part of India and who for that reason is unable or has been rendered unable to manage, supervise or control any immovable property belonging to him in West Pakistan, but does not include a displaced bank ;

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(11) "prescribed" means prescribed by rules made under this Act;

(12) "Tribunal" means any civil court specified under section 4 as having authority to exercise jurisdiction under this Act;

(13) "verified claim" means any claim registered under the Displaced Person (Claims) Act, 1950 (XLIV of 1950), in respect of which a final order has been passed under that Act relating to its verification and valuation;

(14) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Over-riding effect of Act, rules and orders.*—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any decree or order of a court, or in any contract between the parties.

4. *Tribunals competent to exercise jurisdiction under this Act.*—The State Government may, by notification in the Official Gazette, specify any civil court or class of civil courts as the Tribunal or Tribunals having authority to exercise jurisdiction under this Act and may define the areas in which and the extent to which such jurisdiction may be exercised.

CHAPTER II.

DEBT ADJUSTMENT PROCEEDINGS.

5. *Application by displaced debtors for adjustment of debts.*—(1) At any time within one year after the date on which this Act comes into force in any local area, a displaced debtor may make an application for the adjustment of his debts to the Tribunal within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business or personally works for gain.

(2) Every application by a displaced debtor shall contain the following particulars, namely:—

(*a*) the place where he resides;

(*b*) the trade, calling, profession or other employment in which he is now engaged and in which he was engaged in West Pakistan before he became a displaced person;

(*c*) his present average monthly income in India and his average monthly income in or from West Pakistan before he became a displaced person;

(*d*) the income-tax and super-tax, if any, to which he has been assessed for the two years immediately preceding his application;

(*e*) such other particulars as may be prescribed,

and shall be accompanied by the following schedules, namely:—

(*i*) a schedule containg full particulars of all his debts, whether owed jointly or individually, with the names and addresses of his creditors and joint-debtors, if any, so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him;

(ii) a schedule of all his property, both movable and immovable (including claims due to him) which are not liable to attachment either under the provisions of this Act or of any other law for the time being in force, a specification of the values thereof and of the places where the same may be found:

(iii) a schedule of all his property, both movable and immovable (including claims due to him) which are liable to attachment under the provisions of this Act or of any other law for the time being in force; and

(iv) a schedule of all properties in respect of which a claim has been submitted to the registering officer under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), and where any order has been passed in relation to the verification and valuation of the claim under that Act, with a certified copy of the order.

(3) All persons whose names are shown in any schedule as having claims against the displaced debtor and all persons whose names are shown as joint debtors shall be deemed to be the respondents to the application and there shall be filed along with the application as many copies of the application and as many envelopes and notices in the prescribed form duly addressed to the respondents as there are respondents.

6. *Rejection of applications in certain cases.*—Subject to the provisions contained in section 45, any application made under section 5 may be rejected if—

(a) it does not comply with any of the requirements of that section, or

(b) in the opinion of the Tribunal the applicant has failed to pursue his application with due deligence.

7. *Issue of notice.*—If the application is not rejected, the Tribunal shall, after filling in the date for hearing in the notices filed along with the application under section 5, cause them to be served on the responpents.

8. *Objection by respondents.*—In response to a notice under section 7, the respondent may show cause against the application by filing a written statement containing the objections to the application:

Provided that where he does not appear in person or through any authorised legal representative, the written statement may be sent by registered post, acknowledgment due, to the Tribunal after having been signed in the presence of any judicial officer or of a sub-registrar acting under the Indian Registration Act, 1908 (XVI of 1908), and duly attested by the judicial officer or the sub-registrar in token thereof.

9. *Proceeding after service of notice on respondents.*—(1) If there is a dipute as to the existence or the amount of the debt due to any creditor or the assets of any displaced debtor, the Tribunal shall decide the matter after taking such evidence as may be adduced by all the parties concerned and, subject to the other provisions contained in this Act, shall pass such decree in relation thereto as it thinks fit.

(2) If there is no such dispute or if the respondents do not appear or have no objection to the application being granted, the

Tribunal may, after considering the evidence placed before it and subject to the other provisions contained in this Act, pass such decree in relation thereto as it thinks fit.

10. *Claims by creditors against displaced debtors.*—Any person having a claim against a displaced debtor may make an application, in such form as may be prescribed, for the determination thereof to the Tribunal within the local limits of whose jurisdiction the displaced debtor actually and voluntarily resides, or carries on business, or personally works for gain, together with a statement of the debts owed to the creditor with full particulars thereof.

11. *Procedure on creditor's petition.*—(1) Where an application under section 10 has been made, the Tribunal shall cause notice thereof to be served on the displaced debtor calling upon him either to show cause, if any, against the application or to make an application on his own behalf under section 5.

(2) If, in response to a notice under sub-section (1), the displaced debtor make an application in accordance with the provisions of section 5, the Tribunal shall proceed further in the matter as if it had commenced with an application by the displaced debtor under section 5, and all the other provisions of this Act shall apply accordingly; but, if the displaced debtor does not choose to make any such application, the Tribunal shall, after considering such evidence, if any, as may be produced before it, determine the claim and, subject to the other provisions contained in this Act, pass such decree in relation thereto as it thinks fit.

12. *Objection by creditor to schedule of assets.*—(1) Any creditor of a displaced debtor may make an application to the Tribunal stating that the displaced debtor, who has made an application under section 5, or sub-section (2) of section 11, has concealed any part of his assets, and the Tribunal shall, after giving due notice thereof to the displaced debtor, determine the matter.

(2) If the Tribunal finds that the displaced debtor has wilfully and fraudulently omitted to include the assets in his application, the Tribunal may dismiss the application or refuse to allow to the displaced debtor any of the reliefs under this Act to which he would otherwise have been entitled or pass such other order in relation thereto as it thinks fit.

13. *Claims by displaced creditors against persons who are not displaced debtors.*—At any time within six months after the date on which this Act comes into force in any local area, any displaced creditor claiming a debt from any other person who is not a displaced person may make an application, in such form as may be prescribed, to the Tribunal within the local limits of whose jurisdiction he or the respondent or, if there are more respondents than one, any of such respondents, actually or voluntarily resides, or carries on business or personally works for gain, together with a statement of the debt owing to him with full particulars thereof.

14. *Procedure on displaced creditor's petition.*—(1) Where an application under section 13 has been made to the Tribunal, the Tribunal shall cause notice thereof to be given to the debtor, calling upon him to show cause, if any, against the application.

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(2) If there is a dispute as to the existence or the amount of the debt due, the Tribunal shall decide the matter, after taking such evidence as may be produced before it, and, subject to other provisions contained in this Act, pass such decree in relation thereto as it thinks fit.

(3) If there is no such dispute or if the debtor does not appear or has no cause to show, the Tribunal may, after considering the evidence placed before it, pass such decree in relation thereto as it thinks fit.

15. *Consequences of Application by displaced debtor.*—Where a displaced debtor has made an application to the Tribunal under section 5 or under sub-section (2) of section 11, the following consequences shall ensue, namely :—

(*a*) all proceedings pending at the date of the said application in any other civil court in respect of any debt to which the displaced debtor is subject, or with which any of his immovable property is encumbered (except proceedings by way of appeal or review or revision against decrees or orders) shall be stayed, and the records of all such proceedings other than those relating to appeals, reviews or revisions as aforesaid shall be transferred to the Tribunal and consolidated ;

(*b*) all attachments, injunctions, orders appointing receivers or other processes in execution made or issued by any such court and in force at the date of the said application in respect of any such debt shall cease to have effect and no fresh process in execution shall, except as hereinafter expressly provided, be made or issued ;

(*c*) no fresh suit or other proceeding (other than an appeal or review or revision against a decree or order) shall be instituted against the displaced debtor in any such court in respect of any debt mentioned by him in the relevent schedule to his application.

16. *Debts secured on immovable property.*—(1) Where a debt incurred by a displaced person is secured by a mortgage, charge or lien on the immovable property belonging to him in West Pakistan, the Tribunal may, for the purpose of any proceeding under this Act, require the creditor to elect to retain the security or abandon it.

(2) If the creditor elects to retain the security, he may apply to the Tribunal, having jurisdiction in this behalf as provided in section 10, for a declaration of the amount due under his debt.

(3) Where in any case, the creditor elects to retain his security, if the displaced debtor receives any compensation in respect of any such property as is referred to, in sub-section (1), the creditor shall be entitled—

(*a*) where the compensation is paid in cash, to a first charge thereon :

Provided that the amount of the debt in respect of which alone he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the compensation paid in respect of the property bears to the total value thereof as determined under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950) and to that extent the debt shall be deemed to have been reduced ;

(b) where the compensation is by way of exchange of property, to a first charge on the property situate in India so received by way of exchange :

Provided that the amount of the debt in respect of which alone he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the value of the property received by way of exchange bears to the value of the original property as determed under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), and to that extent the debt shall be deemed to have been reduced.

(4) Notwithstanding anything contained in this section, where a debt is secured by a mortgage of agricultural lands belonging to a displaced person in West Pakistan and the mortgage was with possession, the mortgagee shall, if he has been allotted lands in India in lieu of the lands of which he was in possession in West Pakistan, be entitled to continue in possession of the lands so allotted untill the debt is satisfied from the usufruct of the lands or is redeemed by the debtor :

Provided that in either case the amount of the debt shall be only that amount as bears to the total debt the same proportion as the value of the lands allotted to the creditor in India bears to the value of the lands left behind by him in West Pakistan and to that extent the debt shall be deemed to have been reduced.

(5) Where a creditor abandons his security in West Pakistan, he shall be treated as an ordinary creditor in relation to the debt and the provisions of this Act shall apply accordingly.

17. *Debts secured on movable property.*—(1) Where a debt incurred by a displaced debtor is secured by the pledge of movable property belonging to him and such property is in the possession of the creditor, the creditor may realise the sum due to him by the sale of such property, after giving to the debtor reasonable notice of the sale and the surplus sale proceeds, if any, shall be refunded by him to the debtor.

(b) Where possession of such pledged property was given to the creditor when the debt was taken but the creditor is no longer in possession thereof and the pledged property is not available for redumption from the creditor, the creditor shall not be entitled to any decree or other relief against the displaced debtor in relation to the debt whether under this Act or under any other law.

18. *Claims against insurance companies.*—(1) Where any property in West Pakistan belonging to a displaced person was insured with any insurance company before the 15th day of August, 1947 against fire, theft or civil commotion and such property was burnt, demolished or looted at a time when the contract of insurance was in force, such company shall not be entitled to refuse payment of the sum due under any claim in relation thereto on the ground that—

(a) no report was lodged with the police, or

(b) the claim was not made to the company within the agreed time, or

(c) the disturbances in West Punjab were not civil commotion, or

(d) the displaced person has not fulfilled any other condition of the contract which is of a technical nature and which the Central

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Government has, by notification in the Official Gazette, specified as a condition of the contract for the purposes of this section, where such non-fulfilment is due to causes beyond the control of the displaced person and is connected with his being a displaced person ;

and any contract to the contrary, to the extent to which it is in contravention of the provisions of this sub-section, shall be deemed to have no effect.

(2) Where any property has been burnt, demolished or looted in the circumstances specified in sub-section (1), the Tribunal shall, in every proceeding where it is necessary to do so, determine respectively the amount of the loss, the amount for which the property was insured on the date of such loss, and the amount, if any, paid by the insurance company, and shall make a report thereof to such board or other authority as may be prescribed, and the prescribed board or other authority shall, after taking into account such matters as may be prescribed as being relevant thereto, and subject to any rules made in this behalf, in turn propose to the Tribunal the amount for which the claim against the insurance company shall be decreed, and the Tribunal shall pass a decree accordingly.

(3) The amount realised from the insurance company under any decree passed under sub-section (2) shall first be applied towards the satisfaction of the debt due from the displaced person, and the balance, if any, shall be refunded to the displaced person.

(4) An application under this section may be made, either by a displaced person, having a claim against the insurance company in the circumstances specified in sub-section (1) or by a displaced bank having an interest in the claim of any such displaced person, to the Tribunal within the local limits of whose jurisdiction the displaced person actually and voluntarily resides or carries on business or personally works for gain or, as the case may be, the displaced bank carries on business, for the determination of the amount due in respect of the claim in accordance with the provisions of sub-section (2).

(5) To every proceeding under sub-section (4), the insurance company and if the application is made by a displaced person, the displaced bank having any interest in his claim, and if the application is made by a displaced bank, the displaced person interested in the claim shall all be made parties.

(6) No application under this section shall be entertained in any case where no claim has been made to the insurance company, whether in the form, if any, required by the contract or in any other manner in respect of any such loss as is referred to in this section within one year after the date of this loss.

19. *Calls on shares in companies.*—(1) Where a company or a co-operative society has made any call upon a displaced person or a displaced bank in respect of any moneys remaining unpaid on any share held by him or it on the 1st day of March, 1947, in any company or co-operative society, as the case may be, and there has been a failure on the part of the shareholder to pay any moneys due in respect of such call, then, notwithstanding anything to the contrary contained in the Companies Act, or in the memorandum or articles of association or the co-operative Societies Act, no interest shall be payable in respect of any such moneys

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due and the company or the co-operative society, as the case may be, shall not be entitled to forfeit the share or any part thereof, and any forfeiture made before the commencement of this Act in respect of any share in the circumstances specified in this sub-section shall be deemed to have had no effect, and no person shall be deemed to have ceased to be a member of the company or co-operative society merely by reason of such forfeiture.

(2) Notwithstanding anything contained in the Companies Act, or in the memorandum or articles of association, or the Co-operative Societies Act, it shall be lawful for a displaced person or a displaced bank to apply to the company or the co-operative society, as the case may be, for the conversion of any partly paid-up share held by him or it in the company or society into such smaller number of fully paid-up shares as the society or company may have issued and in respect of which calls have already been made.

(3) If the company or the co-operative society refuses to comply with any such request as is contained in an application under sub-section (2), the tribunal may, on application made to it in this behalf and if satisfied that there is no cause for such refusal, issue a direction to the company or the co-operative society accordingly, and the company or society shall be bound to comply therewith.

(4) The provisions of this section shall have effect for a period of ten years from the 15th day of August 1947, and thereafter shall cease to have effect except as respects things done or omitted to be done.

20. *No calls to be made on displaced person or bank when company or co-operative society is in liquidation.*—(1) Where a company or a co-operative society is being wound up, no displaced person or displaced bank shall be called upon, notwithstanding anything to the contrary contained in the Companies Act or in the memorandum or articles of association or the Co-operative Societies Act, to make any contribution to the assets of the company or co-operative society, as the case may be, in respect of any share held by him or it in the company or society on the 15th day of August 1947.

(2) The provisions of this section shall have effect for a period of ten years from the 15th day of August 1947, and shall also apply in respect of any calls made and not satisfied before that date, and shall cease to have effect after the expiry of the said period except as respects things done or omitted to be done.

21. *Power to revise certain decrees and settlements.*—(1) Where before the commencement of this Act a decree has been passed by a civil court against, or a settlement has been entered into by, a displaced person or a displaced bank in respect of any debt, the Tribunal shall, on the application of such person or bank, revise it so as to bring it into accord with the provisions of this Act.

(2) In determining the amount due under any such decree or settlement, the Tribunal shall, accept as binding the findings of the court which passed the decree or the facts contained in the settlement, as the case may be, to the extent to which the findings or the facts are not inconsistent with the provisions of this Act:

Provided that the Tribunal shall not determine any claim under any such decree until any appeal or revision filed against it has been finally

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decided or the period allowed for any appeal therefrom has expired, and in all such cases the finding of the Tribunal shall be based on the final decree.

22. *Apportionment of join debts.*—Where a debt is due from a displaced person jointly with another person, the Tribunal shall, for the purposes of this Act, apportion the liability between them according to the following rules, namely :—

(*a*) if the liability of each debtor is defined, then according to the defined share of each ;

(*b*) if the debt was taken for any trade or business of the joint debtors, then according to the shares held by each of the joint debtors in the trade or business ;

(*c*) if the debt was taken not in any defined shares or for any trade or business in which the partners have any defined share, the debt shall be apportioned into as many parts as there are joint debtors, and each joint debtor shall be liable only for the part apportioned to him ;

(*d*) if one joint debtor is a displaced person and another is not, the sum apportioned to the non-displaced person shall not be a debt within the meaning of this Act and the creditor may in respect of such debt seek any remedy open to him in a civil court or otherwise ;

(*e*) where the relationship between the joint debtors is that of principal and surety, the principal alone shall, notwithstanding anything to the contrary contained in the Indian Contract Act, 1872 (IX of 1872), be liable to satisfy the liability in the first instance, but if the sum realised from the principal falls short of the sum due to the creditor, he may recover the balance from the surety.

23. *Simplified procedure in certain cases.*—Where any debt, or each of the debts in a proceeding involving the determination of more than one debt, does not exceed five thousand rupees,—

(*a*) it shall not be necessary for the Tribunal to take down the evidence of the witnesses in writing at length but the Tribunal, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes and such memorandum shall be written and signed by the Tribunal and shall form part of the record ;

(*b*) the decision of the Tribunal need not contain more than the points for determination and the decision thereon.

24. *Presumption respecting registered documents.*—It shall be presumed until the contrary is proved that every document registered under the Indian Registration Act, 1908 (XVI of 1908) and produced before the Tribunal has been proved.

25. *Application of Act V of 1908.*—Save as otherwise expressly provided in this Act, all proceedings under this Act between party and party shall be regulated by the provisions contained in the Code of Civil Procedure, 1908 (Act V of 1908).

26. *Signing and verification of applications and written statements.*—Every application and the schedules, if any, attached thereto and every written statement filed before the Tribunal for any relief

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under this Act shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908 (Act V of 1908), for the signing and verification of plaints.

27. *Production of documents.*—(1) Where any books of account or other documents in the possession of the applicant or respondent, as the case may be, are relied on for the purpose of any statement in the application or written statement, the books of account or other documents or, if so prescribed, relevant copies thereof certified in such manner as may be prescribed, shall be filed along with the application or written statement :

Provided that the Tribunal may for sufficient cause allow the books of account or other documents or certified copies of relevant entries in books of account or other documents, as the case may be, to be produced before it at any subsequent stage of the hearing.

(2) Subject to the provision contained in sub-section (1), a document which ought to be filed along with the application or written statement and which is not so filed shall not, without the leave of the Tribunal, be received in evidence at any later stage of the proceeding.

(3) If a document, which is in the possession or under the control of a displaced creditor, is not produced by him as required by this section, the document shall not be admissible in evidence against the displaced debtor in any proceeding for the recovery of the debt.

28. *Contents of decree.*—In all cases in which the Tribunal passes a decree on the application of a displaced person, it shall prepare a complete schedule of the creditors and of the assets and liabilities of the displaced person.

CHAPTER III.

RELIEFS.

29. *Cesser of accrual of interest.*—On and from the 15th day of August 1947, no interest shall accrue or be deemed to have accrued in respect of any debt owed by a displaced person, and no Tribunal shall allow any future interest in respect of any decree or order passed by it.

30. *Exemption from arrest.*—No displaced person shall be liable to arrest or imprisonment in execution of any decree for the recovery of any debt whether passed before or after the commencement of this Act.

31. *Further reliefs in the matter of attachment of property.*—Section 60 of the Code of Civil Procedure, 1908 (Act V of 1908) shall, in relation to the execution of any decree for a debt against a displaced person (whether passed before or after the commencement of this Act), have effect, as if—

(1) for clause (*c*), the following clauses had been substituted, namely :—

" (*c*) houses and other buildings (with the materials and the sites thereof and the land immediately appertaining thereto and necessary for their enjoyment) belonging to an agriculturist and not proved by the decree-holder to have been let out on rent or otherwise to any person other than the father,

mother, wife, son, daughtr, daughter-in-law, brother, sister or other dependant of the judgment-debtor or to have been left vacant for a period of one year or more;

(*cc*) milch animals, whether in milk or in calf, kids, animals used for the purpose of transport or draught cart and open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle, parking carts or stacking fodder or manure;

(*ccc*) one main residential house and other buildings attached to it (with the materials and the sites thereof and the land immediately appertaining thereto and necessary for their enjoyment) belonging to a judgment-debtor other than an agriculturist and occupied by him;":

(2) in clause (*i*), for the words "hundred rupees" the words "two hundred and fifty rupees" had been substituted;

(3) after clause (*p*), the following clauses had been inserted, namely:—

"(*q*) two-thirds of the agricultural produce of the judgment debtor;

(*r*) so much of any other property of the judgment-debtor as constitutes the means of his livelihood and as is likely, in the opinion of the court, to yield to him an income of not less than two hundred and fifty rupees a month;

(*s*) any loan advanced or agreed to be advanced by or on behalf of or out of the funds of the Central Government or a State Government, or any asset created from any such loan;".

32. *Scaling down of debts.*—(1) Where, on the application of a displaced debtor under section 5 or sub-section (2) of section 11, the Tribunal has determined the amount due in respect of each debt in accordance with the provisions of this Act, it shall proceed to determine the paying capacity of the debtor.

(2) If the paying capacity of the debtor is equal to or exceeds the aggregate sum of all the debts so determined (exclusive of any debt in respect of which the creditor has elected to retain the security in accordance with the provisions of section 16), the Tribunal shall pass a decree for the aggregate sum so determined, specifying the amount due to each creditor and shall allow repayment thereof in instalments, in accordance with the provisions of section 33, unless for reasons to be recorded it directs otherwise.

(3) If the paying capacity of the debtor is less than the aggregate sum referred to in sub-section (2), the Tribunal shall divide the decree into two parts and provide in the first part thereof (hereinafter referred to as the first part of the decree) that the sum equivalent to the paying capacity shall be realised from the assets of the debtor in India, and provide in the second part thereof (hereinafter referred to as the second part of the decree) that the balance shall be realised, subject to the provisions contained in sub-section (6), from any compensation which the debtor may receive:

Provided that if no such compensation is received, the balance shall be irrecoverable.

(4) A creditor who has elected to retain his security under section 16 shall have no right to realise any money due to him from the assets

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of the debtor in India, but nothing in this sub-section shall affect any of the rights given to him by section 16.

(5) A creditor shall have the right at any time at least six months before the receipt by the debtor of compensation to apply that the whole or the balance of the first part of the decree, in so far as any debt due to him is concerned, may be added to the second part of the decree, and thereupon he shall have no right to realise any money from the assets of the debtor in India.

(6) For the purposes of this Act, the amount payable from the compensation for the satisfaction of the second part of the decree shall be that amount as bears to the aggregate amount of all the debts in the second part of the decree [including therein any sum added to it under sub-section (5) and the sum determined in favour of the secured creditor who has not abandoned his security in the manner specified in the proviso to clause (*a*) of sub-section (3) of section 16] as the compensation in respect of the property of the debtor payable to him under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950) bears to the verified claim; and the balance of the compensation, if any, shall be refunded to the displaced debtor.

(7) Every instalment paid by the displaced debtor in respect of the first part of the decree and any sum payable from the compensation in accordance with sub-section (6) shall be distributed rateably amongst the decree-holders, if more persons than one are entitled thereto:

Provided that the secured creditor who has not abandoned his security under section 16 shall be entitled to a prior charge on the amount payable from the compensation.

(8) Where a displaced person receives compensation by way of exchange of property, then, subject to the prior charge, if any, of a creditor under section 16, the aggregate sum payable in respect of the second part of the decree shall be a second charge upon the property received by way of exchange, but the amount of the second charge shall be that amount as bears to the total sum the same proportion as the value of the property received by way of exchange bears to the value of the original property verified and valued under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950).

(9) Where a displaced person makes a default in the payment of any instalment fixed in respect of the first part of the decree or does not pay the amount determined in accordance with sub-section (4) of section 16 or sub-section (8) of this section for which the first or the second charge may have been created upon the property received by way of exchange, the creditor may apply for the execution of the decree by the attachment and sale of the attachable assets of the judgment-debtor or by the sale of the property obtained by way of exchange upon which the charge has been created, as the case may be, and the amount realised by such execution shall be distributed rateably among the dercee-holders:

Provided that nothing contained in this sub-section shall affect the rights of any charge-holders.

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(10) For the purposes of this Act, where the compensation is paid in cash, the amount which shall be available for purposes of satisfaction of the debts in the second part of the decree shall in no case exceed seventy-five per cent of the amount of such compensation; and where it is by way of exchange of property, the extent of the property which shall be available for the said purposes shall in no case exceed seventy-five per cent in value of such property.

Explanation.—In this section the expression "paying capacity" means the aggregate of the market value of all the attachable assets in India of the displaced debtor plus the income which is likely to accrue to him for the next three years succeeding, excluding from the computation of such income a sum calculated at the rate of two hundred and fifty rupees a month.

33. *Matters to be taken into account in directing payment by instalments.*—(1) In directing payment of any sums by instalments under the first part of the decree, the Tribunal shall take into account among other matters—

(*a*) the present income of the displaced debtor from all sources and the income that is likely to accrue to him in future;

(*b*) the size of the family dependent upon him for the ordinary necessaries of life and the expenditure likely to be incurred for the education and marriage of the children of the displaced person dependent upon him.

(2) where a displaced creditor is a minor, or a widow or a person who, by reason of any physical disability, is permanently disabled from earning his livelihood, the Tribunal may direct that any instalment payable to him or her shall be twenty-five per cent higher than what would otherwise have been directed to be paid, and where it does so, it shall also direct that the instalments of other decree-holders shall be proportionately reduced.

34. *Variation of maintenance allowances.*—Where a displaced debtor has been ordered to pay a monthly allowance to any person for his maintenance under any decree or order of a court, or is liable to pay such allowance under any agreement voluntarily entered into, the rate at which such allowance is payable may be varied by the Tribunal on application made to it in this behalf, if in view of the change in the circumstances of the displaced debtor, the Tribunal thinks that such variation is necessary, and such variation shall have effect, for such period as the Tribunal may direct, notwithstanding anything in any decree, ordered or agreement to the contrary.

35. *Taxation of Lawyer's fees.*—Not more than one-half of the fees payable as costs on taxation in respect of fees to a legal practitioner according to the rules for the time being in force in the territory in which the Tribunal is hearing any proceeding under this Act shall be allowed as fees of the legal practitioner, under any decree passed against displaced person in any proceeding under this Act.

36. *Extension of period of limitation.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908) or in any special or local law or in any agreement,—

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(*a*) any suit or other legal proceeding in respect whereof the period of limitation was extended by section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and

(*b*) any suit or other legal proceeding for the enforcement of a claim against an insurance company not falling within the provisions of clause (*a*) in respect whereof the cause of action has arisen, whether wholly or in part, in the territories now situate in West Pakistan and the institution of the suit or other legal proceeding has become barred by reason of a condition in the contract, which, but for the condition, would have been governed by the provisions contained in clause (*a*),

may be instituted at any time within one year from the commencement of this Act.

37. *Curtailment of period of limitation, for execution of certain decrees.*—Notwithstanding anything contained in section 48 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law for the time being in force, no order for the execution of a decree in respect of a debt against a displaced person shall be made upon an application presented after the expiration of—

(*a*) in the case of decree passed before the commencement of this Act, six years from such commencement;

(*b*) in the case of decrees passed after the commencement of this Act, six years from the date of the decrees;

(*c*) in the case of decrees directing payment of money to be made at prescribed intervals or on certain dates, six years from the date of default in making the payment in respect of which the decree-holder seeks to have the decree executed:

Provided that nothing in this section shall be construed as extending the limit of time for execution as provided in section 48 of the said Code for an application for the execution of a decree passed before the commencement of this Act.

38. *Sale of immovable property in execution.*—(1) Where in the execution of any decree for the recovery of a debt against a displaced person his immovable property is sought to be sold, the court executing the decree shall, in the first instance, determine the market value of the property and, if the value so determined is less than or equal to the amount of the decree together with the proportionate amount of any prior encumbrance, the court shall transfer the property to the decree-holder.

(2) If the value determined under sub-section (1) is greater than the amount of the decree together with the proportionate amount of any prior encumbrance, the court shall determine the portion of such property the value of which is equal to the amount of the decree with the proportionate amount of such prior encumbrance, and may, if it is reasonable or convenient to do so, transfer that portion to the decree-holder.

(3) Where any property is transferred under the provisions of this section to the decree-holder, the decree shall be deemed to be satisfied to the extent of the value of the property so transferred:

Provided that if the decree-holder does not desire to take the property or, in the opinion of the court, it is not reasonable or convenient

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to transfer the property to him, the property may be sold by public auction, but irrespective of the price fetched at the public auction the market value of the property as determined under this section (and not the amount payable to the decree-holder out of the sale proceeds of the public auction) shall be deemed to be the amount which has been paid to the decree-holder in respect of the decree, and satisfaction thereof shall be entered accordingly.

39. *Encouragements of settlements.*—If the displaced debtor and the creditor or, where there are more creditors than one, such number thereof as hold more than sixty per cent of the debts due from the displaced debtor enter into an agreement for the adjustment of the liabilities, the Tribunal shall, if an application is made to it in this behalf after giving due notice to the other creditors affected, adjust the remaining debts accordingly if the terms of the agreement are just and fair, and pass a decree accordingly.

CHAPTER IV

APPEALS, REVISIONS AND EXECUTIONS.

40. *Appeals from decrees or orders.*—(1) Save as otherwise expressly provided in this Act, no decree or order of the Tribunal or of the court executing any decree of the Tribunal shall be questioned in any court by way of appeal or revision.

(2) Subject to the provisions contained in section 41, an appeal shall lie from the following decrees or orders of the Tribunal or of any court executing any decree of the Tribunal to the High Court within the limits of whose jurisdiction the Tribunal is situate or, as the case may be, to which it is subordinate, namely :—

(*a*) a decree passed in respect of the claim of a displaced creditor against a displaced person, a displaced bank or any other person who is not a displaced person or in respect of the claim of a creditor who is not a displaced person against a displaced person or a displaced bank ;

(*b*) a final order passed under section 6, section 12 section 18, section 21, section 22, section 32, section 34, section 38 or section 39;

(*c*) a final order of the court executing any decree under this Act relating to the execution, discharge or satisfaction of a decree relating to a debt passed against a displaced person or a displaced bank, whether before or after the commencement of this Act.

41. *General provisions relating to appeals.*—Where the amount or value of the subject-matter in dispute on appeal is five thousand rupees or more, an appeal shall lie to the High Court from any decree or order of the Tribunal.

42. *Parties to appeals.*—For the purpose of any appeal under this Act, it shall be sufficient if only such persons as, in the opinion of the

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appellant, are necessary parties to the appeal for the purpose of determining the real questions in controversy between them, are implied as respondents to the appeal :

Provided that where it appears to the High Court at the hearing that any person who was a party to the proceeding before the Tribunal from whose decree the appeal is preferred but who has not been made a party to the appeal is interested in the result of the appeal, the Court may adjourn the hearing to a future date to be fixed by the Court and direct that such person be made a respondent.

CHAPTER V

MISCELLANEOUS

43. *Registration of certain societies and companies under Indian Law.*--(1) Where the registered office of any society or company registered before the 15th day of August 1947, under the Societies Registration Act, 1860 (XXI of 1860), or the Co-operative Societies Act, 1912 (II of 1912), or the Indian Companies Act, 1913 (VII of 1913), is situated in the territory now forming part of West Pakistan but a majority of its members for the time being are resident in India, the society or company, as the case may be, may apply within one year from the commencement of this Act to the Registrar of Societies, Co-operative Societies or Componies, as the case may be, within the local limits of whose jurisdiction the majority of the members of the governing body as it was constituted on the 15th day of August 1947, reside or carry on business, for the recognition of the society or company as such in India.

(2) The Registrar, after making such inquiry into the matter as he deems fit, may either accord such recognition or refuse to do so.

(3) The order of the Registrar under sub-section (2) shall be final and shall not be called in question in any court.

(4) Where the Registrar accords recognition to a society, co-operative society or company, he shall cause necessary entries thereof to be made in his register and thereupon, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument, the society or the company, as the case may be, shall be deemed to have been formed and registered under the relevant law as in force in India, and every such society or company shall, among other matters, have the right to demand and receive any moneys due to it from any person residing or carrying on business in India.

44. *Bar of further applications in certain cases.*--Subject to the other provisions contained in this Act, where an application made by a displaced bebtor under section 5 or under sub-section (2) of section 11, or by a displaced creditor under section 13 has been dismissed, no further application for the same purpose shall lie.

45. *Amendment of applications*—Clerical or arithmetical mistakes in any application or in any schedule annexed thereto arising from any accidental slip or omission may at any time be corrected by the Tribunal, either of its own motion or on the application of any of the parties.

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46. *Service of notices.*—Every notice issued under this Act shall be served by registered post, acknowledgment due, unless the Tribunsl for reasons to be recorded, directs service in any of the other modes specified in Order V of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908).

47. *Effect of failure on the part of displaced debtor to disclose certain matters.*—Where a displaced debtor has not mentioned in the relevant schedule to his application any debt owing by him or any property movable or immovable, belonging to him, whether such property is liable to attachment under the provisions of this Act or of any other law for the time being in force or not liable to attachment at all, nothing contained in this Act shall prevent—

(*a*) in the case of the debt, the creditor from instituting any proceeding for the recovery thereof under any law for the time being in force other than this Act ; and

(*b*) in the case of the property, from being attached or otherwise dealt with under any such law.

48. *Proceedings not to abate on death of debtor.*—Notwithstanding anything contained in this Act, no proceeding before a Tribunal shall be dedmed to abate by reason merely of the death of the debtor who is a party to the proceeding, and a decree may be passed notwithstanding the death and such decree shall have the same force and effect as if it had been passed before the death took place :

Provided that nothing contained herein shall be deemed to render the legal representative of the deceased debtor liable to satisfy the decree except to the extent to which any of the assets of the deceased debtor have devolved on him.

49. *Right of assignee of debt to apply under this Act.*—The assignee of a debt from a displaced creditor shall have no right to make any application under this Act, if the assignee is not a displaced person.

50. *Past transactions not to be reopened.*—If, before any application is made by the displaced debtor under this Act for the adjustment of his debts in accordance with the provisions hereof, the displaced debtor has fully satisfied any of his debts, the transaction shall not be reopened, and no refund shall be allowed to any such debtor by reason of anything contained in this Act.

51. *Displaced debtor not to be deemed insolvent.*—Notwithstanding anything contained in any law for the time being in force relating to insolvency, no displaced debtor shall be deemed to be insolvent or to have been adjudicated as such within the meaning of any law for the time being in force relating to insolvency by reason only of his applying to get his debts adjusted under this Act, and no proceedings in insolvency shall lie against a displaced debtor in respect of any debt incurred by him before the 15th day of August, 1947.

52. *Modification of compromises or arrangements between displaced banks and creditors.*—(1) Where in respect of a displaced bank, a compromise or arrangement has been sanctioned by the court under section 153 of the Companies Act, 1913 (VII of 1913), but in view of the

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decrees passed by the Tribunal under this Act against it or in its favour in relation to any debt, it is not possible for the bank to give effect to the compromise or arrangement, it may apply to the court which sanctioned the compromise or arrangement, to modify it in such manner as to it may appear just.

(2) The High Court may, after giving notice to the shareholders and creditors of the bank in such manner as may be prescribed, modify the compromise or arrangement is such manner as it thinks fit.

53. *Communication of contents of decrees to prescribed authority.*—(1) Every Tribunal shall communicate to the prescribed authority, in such manner as may be prescribed, the amount of the prior charge declared under sub-section (3) of section 16, and shall also forward to it a copy of the decree passed on the application of a displaced debtor under section 5 or sub-section (2) of section 11 and also of any order passed under sub-section (5) of section 32, specifying the amount due to creditor mentioned therein on the date of the order.

(2) The prescribed authority shall scale down the debts reported to him in accordance with sub-section (6) of section 32 and shall, subject to any rules made in this behalf, meet the prior charge of the secured creditor in accordance with sub-section (2) of section 16 in the first instance and thereafter distribute the balance of the compensation available for distribution within the meaning of sub-section (10) of section 32 rateably amongst the other decree-holders whose decrees have been reported to him :

Provided that in making any such rateable distribution the prescribed authority shall have due regard to the provisions contained in sub-section (2) of section 33.

(3) The balance from the amount of the compensation payable shall be refunded to the displaced debtor.

(4) Any amount paid by the prescribed authority to any decree-holder under the provisions of this section shall, to that extent, be a valid discharge of the debt due by the displaced debtor.

54. *Application of the Limitation Act.*—Subject to the other provisions contained in this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply to the institution of any proceeding under this Act, and, for the purpose of determining and computing the period of limitation prescribed by that Act in relation thereto, every application made under this Act shall be deemed to be a suit for the purpose of that Act.

55. *Order XXXVIII of the First Schedule to Code of Civil Procedure not to apply.*—Nothing contained in Order XXXVIII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), relating to arrest and attachment before judgment shall apply to any proceeding under this Act.

56. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or

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any person, in respect of anything done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

57. *Delegation of powers.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised by such officer or authority subordinate to the Central Government or by the State Government or by any officer or authority subordinate to the State Government as may be specified in the direction.

58. *Power of Central Government to make rules.*—(1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the provisions contained in sub-section (1), the rules so made may provide for all or any of the following matters, namely:—

(*a*) the additional particulars, if any, which an application under section 5, should contain;

(*b*) the form in which notices under this Act may be issued;

(*c*) the form in which applications under section 10 or section 13 may be made;

(*d*) the registers which should be maintained under this Act;

(*e*) the authorities required to be prescribed under this Act;

(*f*) the board or other authority to which any report under sub-section (2) of section 18 may be made and the matters which such board or other authority should take into accounts in making its report.

59. *Power of State Government to make rules.*—The State Government may, by notification in the Official Gazette, make rules providing for—

(*a*) the distribution of business amongst the various Tribunals within the State;

(*b*) the manner in which copies of documents produced before the Tribunals should be certified;

(*c*) the returns to be made by the Tribunals and the authorities to which they may be so made.

60. *Repeals.*—The Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948) and the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Bill is designed mainly to give relief to displaced debtors in respect of liabilities incurred by them prior to their displacement from West Pakistan though remission of court fees has also been allowed to displaced creditors. A certain amount of relief was afforded to them by Acts XLVII of 1948 and XXV of 1949, but this was found to be inadequate.

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A thorough examination of the various problems involved had to be made with a view to affording displaced persons adequate and, at the same time reasonable relief in the matter of their indebtedness, consistently with the needs of their rehabilitation. The task of such examination was entrusted to the Hon'ble Sri Bind Basni Prasad, a Judge of the Allahabad High Court, and the present Bill is the outcome of his recommendations. In brief, the object of the Bill is to relate the payment of all premigration pecuniary liabilities of a displaced person to—

(*a*) his 'paying capacity'—an expression which has been defined after making liberal allowances in favour of the debtor; and

(*b*) the compensation which might be received by him in respect of his immovable property left behind in West Pakistan.

A decree under the law will thus consist of two parts, the first part being equivalent to and recoverable from the 'paying capacity' of the debtor, and the second part being equivalent to the balance of the total amount decreed and recoverable from the compensation if and when received by the debtor. The first part of the decree will, as a rule, be recoverable in instalments.

In respect of the second part of the decree, it has been accepted that the amount payable should be scaled down in the proportion in which the displaced debtor is able to obtain recompense in respect of his immovable property left behind in West Pakistan. Where no recompense is received, there will be no recovery of the second part of the decree.

Displaced debtors will have the right to apply, within a period of one year from the enactment of this Bill, for the reduction of debts due to creditors, in accordance with the provisions of this Bill. All pre-migration liabilities will be consolidated for the purpose, but it has been specially provided that nostigma of insolvency will attach to any one seeking relief under this law.

Certain additional reliefs, for example, remission of interest after August 15, 1947, exemption from arrest or attachment of properties, reduction of certain pre-migration liabilities like maintenance allowance, apportionment of liabilities in the case of joint debts, revision of decrees already passed with a view to bringing them into line with present legislation, etc., have also been provided; and in formulating these reliefs the needs of rehabilitation and the fact that displaced persons have been unable to derive benefit from properties left behind in West Pakistan have been given due weight. Although under the Act civil courts will be vested with jurisdiction, the Bill provides a simplified procedure for the determination of debts, and minimises the delay involved in a series of appeals and revisions. Debts of different categories—debts secured on immovable property, debts secured by pledge of movable property and simple debts—are dealt with differently. The respective circumstances governing such transactions have been taken into consideration, an attempt being made to temper contractual obligations with equity when both creditors and debtors have lost control over the properties offered as security.

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Special provisions have also been made to enable displaced persons to be absolved, for a period of ten years, from further liability in respect of calls on shares in companies, an opportunity being given to them to have their partly paid up shares converted into a proportionate number of fully paid up ones. Conditions of contracts with insurance companies, which were more or less of a technical nature and which became incapable of fulfilment on account of circumstances beyond the control of the insured are declared to have no effect and the insured is given an opportunity of getting compensation for the losses which he has suffered. A special provision has also been made to enable displaced banks to have their existing schemes of arrangements sanctioned by High Courts under section 153 of the Indian Companies Act, 1913, modified, when, due to reliefs granted to their debtors under this Bill, they find it difficult to carry out their obligations under the schemes. Recognition of Societies and Companies registered in Pakistan has been provided for in case the majority of their members or shareholders have migrated to India.

AJIT PRASAD JAIN.

NEW DELHI;
The 9th August, 1951.

M. N. KAUL,
Secretary.

NOTIFICATION. 602

No. L.D. 1103—Legis. 3-51-26, dated Bangalore, 20th September 1951.

Ordered that the Report of the Select Committee on the State Financial Corporation Bill, 1951 Central Bill No. 102 of 1950) published in the *Gazette of India*, Part II, Section 2, dated the 25th August 1951, be republished in the *Mysore Gazette*, for general infomation.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

(As amended by the Select Committee) 803

(Words sidelined or underlined indicate the amendments suggested by the Committee: asterisks indicate the omissions).

BILL No. 102 of 1950.

A Bill to provide for the establishment of State Financial Corporations.

Be it enacted by Parliament as follows:—

CHAPTER I.

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act may be called the State Financial Corporations Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Board of directors of the Financial Corporation;

(*b*) "Financial Corporation" means the Financial Corporation established for the State under section 3;

(*c*) "industrial concern" means any concern engaged in the manufacture, * * preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power;

(*d*) "prescribed" means prescribed by rules or regulations made under this Act;

(*e*) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (II of 1934);

(*f*) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934);

(*g*) "underwriting" means contract, with or without conditions, to subscribe for stocks, shares, bonds or debentures of an industrial concern with a view to the resale of the whole or any part thereof.

CHAPTER II.

Incorporation of State Financial Corporations, their capital and management.

3. *Establishment of State Financial Corporations.*—(1) The State Government may, by notification in the Official Gazette, establish a Financial Corporation for the State under such name as may be specified in the notification.

(2) The Financial Corporation shall be a body corporate by the name notified under sub-section (1), having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and to hold property and shall by the said name sue and be sued.

4. *Share capital and shareholders.*—(1) The authorised capital of the Financial Corporation shall be such sum as may be fixed by the State Government in this behalf, but it shall in no case be less than fifty lakhs of rupees or exceed five crores of rupees.

(2) The authorised capital shall be divided into such number of fully paid-up shares as the State Government may determine and shall be issued to the parties mentioned in sub-section (3) at such times and in such manner as that Government may determine and each such share shall have the same face value.

(3) The State Government shall, with the approval of the Central Government, determine the number of shares which may, respectively, be distributed among—

(*a*) the State Government,

(*b*) the Reserve Bank,

(*c*) scheduled banks, insurance companies, investment trusts, co-operative banks or other financial institutions, and

(*d*) parties other than those referred to in clauses (*a*), (*b*) and (*c*):

* * *

Provided that the number of shares * which may be allocated to the parties referred to in clause (*d*) shall in no case exceed twenty-five per cent of the total number of shares.

* * * * *

(4) Subject to the other provisions contained in this section, the allocation of shares among the parties referred to in clauses (*c*) and (*d*) of sub-section (3) and the allotment of such shares shall be made by the Financial Corporation in such manner as may be prescribed.

(5) If any shares allocated to any of the parties referred to in clauses (*c*) and (*d*) of sub-section (3) remain unsubscribed, they shall be subscribed for by the State Government, but the State Government may at any time thereafter dispose of the shares so subscribed for to any party who was eligible to subscribe for it in the first instance.

5. *Restrictions on transfer of shares.*—(1) The shares of the Financial Corporation shall not be transferable except to the State Government, the Reserve Bank or any other financial institution recognised in this behalf by the State Government:

Provided that the shares subscribed for by members of the public shall be freely transferable.

(2) Nothing contained in this section shall affect the provisions of sub-section (5) of section 4.

6. *Shares to be guaranteed by the Central Government and to be trust or approved securities.*—(1) The shares of the Financial Corporation shall be guaranteed by the State Government as to the repayment of principal and

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the payment of annual dividend at such minimum rate as the State Government may, with the approval of the Central Government, fix by notification published in the Official Gazette at the time of issuing the shares.

(2) Notwithstanding anything contained in the Acts hereinafter mentioned in this sub-section, the shares of the Corporation shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882 (II of 1882) and also to be approved securities for the purposes of the Insurance Act, 1938 (IV of 1938) and the Banking Companies Act, 1949 (X of 1949).

7. *Additional capital of the Financial Corporation.*—(1) The Financial Corporation may, in consultation with the Reserve Bank, issue and sell bonds and debentures carrying interest for the purpose of increasing its working capital:

Provided that the total amount of bonds and debentures issued and outstanding and of the contingent liabilities of the Financial Corporation in the form of guarantees given by it or underwriting agreements entered into by it shall not at any time exceed five times the amount of the paid-up share capital and the reserve fund of the Financial Corporation.

(2) Bonds and debentures of the Financial Corporation shall be guaranteed by the State Government as to the repayment of the principal and the payment of interest at such rate as the State Government may, on the recommendation of the Board and with the approval of the Central Government, fix at the time the bonds and debentures are issued.

8. *Deposits with the Financial Corporation.*—The Financial Corporation may accept deposits from the public repayable after the expiry of a period which shall not be less than five years from the date of the making of the deposit, and on such other terms as it thinks fit:

Provided that the total amount of such deposits shall not at any time exceed the paid-up capital of the Financial Corporation.

9. *Management of Financial Corporations.*—The general superintendence,* direction and management of the affairs and business of the Financial Corporation shall vest in a Board of directors which, with the assistance of an Executive Committee and a managing director may exercise all the powers and discharge all the functions which may be exercised or discharged by the Financial Corporation.

10. *Board of directors.*—The Board of directors shall consist of the following, namely:—

(*a*) three directors nominated by the State Government;

(*b*) one director nominated by the Central Board of the Reserve Bank;

(*c*) one director nominated by the Board of Directors of the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (XV of 1948);

(*d*) three directors elected in the prescribed manner from among themselves by the parties referred to in clause (*c*) of sub-section (5) of section 4, one of whom shall be elected to represent scheduled banks, another to represent Co-operative banks and the third to represent the remaining financial institutions;

(*e*) one director elected in the prescribed manner from among themselves by the parties referred to in clause (*d*) of sub-section (3) of section 4 who are shareholders of the Financial Corporation ;

(*f*) one managing director appointed by the State Government, in consultation with the Board except in the case of the first appointment :

Provided that on the first constitution of the Board the directors referred to in clauses (*d*) and (*e*) shall be nominated by the State Government and the directors so nominated shall, for the purposes of this Act, be deemed to be elected directors :

Provided further that all directors of the Board first constituted other than the managing director shall retire at the end of the first year.

11. *Term of office and retirement of directors.*—(1) A nominated director shall hold office during the pleasure of the authority nominating him.

(2) An elected director other than a director deemed to be elected under the first proviso to section 10 shall hold office for four years :

Provided that two out of the four directors so elected shall retire at the end of two years after the first election and the other two at the end of four years after such election, the directors so to retire being determined by lot.

(3) Notwithstanding anything contained in sub-section (2), an elected director shall continue in office until his successor is elected and shall also be eligible for re-election for not more than two full consecutive terms after the rotation of elected directors has begun.

12. *Disqualifications for being a director.*—No person shall be a director who—

(*a*) except in the case of a managing director, is a salaried official of the Financial Corporation ; or

(*b*) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors ; or

(*c*) is found to be a lunatic or becomes of unsound mind ; or

(*d*) is or has been convicted of any offence involving moral turpitude.

13. *Removal of director from office.*—The State Government may remove from office * * any * director who—

(*a*) is, or has become, subject to any of the disqualifications mentioned in section 12 ; or

* * *

(*b*) without excuse sufficient in the opinion of the State Government to exonerate it, is absent without leave of the Board from more than three consecutive meetings of the Board.

14. *Resignation of office by director and filling up of casual vacancies.*—(1) The managing director or any other director may resign his office by giving notice thereof in writing to the State Government, and, on such resignation being accepted, shall be deemed to have vacated his office.

(2) A casual vacancy in the office of an elected director shall be filled by election and a director so elected shall hold office for the unexpired portion of the term of his predecessor.

(3) No act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

15. *Chairman of the Board.*—(1) The Chairman of the Board shall be one of the directors, not being the managing director, nominated by the State Government, after considering, except in the case of the nomination of the first Chairman, the recommendation of the Board :

Provided that the nomination of the Chairman for any period other than the first period shall be made only after the vacancies in the office of directors occurring by efflux of time in that period have been filled by nomination or election as the case may be.

(2) The Chairman shall hold office for two years or until his successor is nominated :

Provided that a Chairman shall so long as he remains a director be eligible for re-nomination as Chairman.

16. *Remuneration of directors.*—The directors other than the managing director and not being servants of the State Government shall be paid such fees for attending meetings of the Board and, if they are members thereof, of the Executive Committee, as may be prescribed.

17. *Managing director.*—The managing director shall—

(*a*) be a whole time officer of the Financial Corporation ;

(*b*) perform such duties as the Board may, by regulations, entrust or delegate to him ;

(*c*) hold office for four years and be eligible for reappointment ;

(*d*) receive such salary and allowances as the Board, with th previous approval of the State Government, may determine :

Provided that the first managing director shall hold office for such term and shall receive such salary and allowances as the State Government may fix.

18. *Executive Committee.*—(1) The Executive Committee shall consist of the managing director who shall be the Chairman of the Committee, and three other directors, chosen as follows :—

(*a*) two directors elected by the nominated directors, one from among the directors nominated by the State Government, and one from among the directors nominated by the Reserve Bank and the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (XV of 1948) ;

(*b*) one director elected by the elected directors.

(2) A director elected to be a member of the Executive Committee shall hold office as such for the rest of his term of office as director, * * *

19. *Meetings of the Board and Committee.*—(1) The Board and the Executive Committee shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

(2) All questions at a meeting shall be decided by a majority of votes of the members present, and, in the case of equality of votes, the Chairman or in his absence, any other person presiding, shall have a second or casting vote.

(3) No director shall vote on any matter in which he is interested.

(4) If for any reason the Chairman is unable to be present at a meeting—

(*a*) of the Board, a director other than the managing director, authorised by the Chairman in writing in this behalf, shall preside at that meeting, or

(*b*) of the Executive Committee, a member authorised in writing by the managing director shall preside at that meeting.

20. *Powers of Executive Committee.*—(1) Subject to such general or special directions as the Board may from time to time give, the Executive Committee may deal with any matter within the competence of the Board.

(2) The minutes of every meeting of the Executive Committee shall be laid before the Board at the next following meeting of the Board.

21. *Advisory Committee.*—The Financial Corporation may appoint one or more advisory committee or committees for the purpose of assisting the Financial Corporation in the efficient discharge of its functions and, in particular, for the purpose of securing that those functions are exercised with due regard to the circumstances and conditions prevailing in, and the requirements of particular areas or industries.

22. *Offices and agencies.*—The Financial Corporation shall establish its head office at such place in the State as the State Government may specify and may, with the previous sanction of the State Government, establish offices or agencies in any other place in the State.

23. *Officers and other employees of the Corporation.*—The Financial Corporation may appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions, and determine, by regulations, their conditions of appointment and service and the remuneration payable to them.

CHAPTER III.

POWERS AND DUTIES OF THE BOARD.

24. *General duty of the Board.*—The Board in discharging its functions under this Act shall act on business principles; due regard being had by it to the interests of industry, commerce and the general public.

25. *Business which Financial Corporations may transact.*—(1) The Financial Corporation may, subject to the provisions of this Act, carry on and transact any of the following kinds of business, namely :—

(*a*) the guaranteeing on such terms and conditions as may be agreed upon of loans raised by industrial concerns which are repayable within a period not exceeding twenty years and are floated in the public market ;

(*b*) the underwriting of the issue of stocks, shares, bonds, or debentures by industrial corcerns ;

(*c*) the receipt in consideration of the services mentioned in clauses (*a*) and (*b*) of such commission as may be agreed upon ;

(*d*) the retention as part of its assets of any stocks, shares, bonds, or debentures which it may have to take up in fulfilment of its underwriting

liabilities: provided that it disposes of the stocks, shares, bonds or debentures so acquired as early as practicable and in any case within a period of seven years from the date of such acquisition;

(*e*) the granting of loans or advances to, or the subscribing to debentures of, industrial concerns, repayable within a period not exceeding twenty years from the date on which they are granted subscribed to, as the case may be; and

(*f*) generally, the doing of all such acts and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

(2) No accommodation shall be given under clauses (*a*) and (*e*) of sub-section (1), unless it is sufficiently secured by a pledge, mortgage, hypothecation or assignment of Government or other securities, stocks, shares or secured debentures, bullion, movable or immovable property or other tangible assets in the manner prescribed by regulations.

26. *Limit of accommodation.*—The Financial Corporation shall not enter into any arrangement under clauses (*a*) and (*e*) of sub-section (1) of section 25 with a single industrial concern for an amount equivalent in the aggregate to more than ten per cent of the paid-up share capital of the Corporation, but in no case exceeding ten lakhs of rupees.

27. *Power to impose conditions for accommodation.*—(1) In entering into any arrangement under section 25 with an industrial concern, the Financial Corporation may impose such conditions as it may think necessary or expedient for protecting the interests of the Financial Corporation and securing that the accommodation granted by it is put to the best use by t industrial concern.

(2) Where one of the conditions imposed under sub-section (1) is that a director shall be appointed by the Financial Corporation on the board of directors of the industrial concern to protect the interests of the Financial Corporation, such condition shall be a valid condition notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in any other law for the time being in force or in any instrument relating to the industrial concern.

28. *Prohibited business.*—The Financial Corporation shall not—

(*a*) accept deposits, except as provided by this Act;

(*b*) subscribe directly to the shares or stock of any company having a limited liability:

Provided that nothing in clause (*b*) shall affect the right of the Financial Corporation to acquire any shares, bonds or debentures of a company having limited liability in fulfilment of any underwriting agreement entered into by the Financial Corporation;

(*c*) grant any loan or advance on the security of its own shares.

29. *Rights of Financial Corporation in case of default.*—(1) Where any industrial concern, which is under a liability to the Financial Corporation under an agreement, makes any default in repayment of any loan or advance or any instalment thereof or otherwise fails to comply with the terms of its agreement with the Financial Corporation, the Financial Corporation shall have the right to take over the management of the industrial concern, as well

as the right to sell and realise the property pledged, mortgaged, hypothecated or assigned to the Financial Corporation.

(2) Any transfer of property made by the Financial Corporation, in exercise of its powers of sale and realisation under sub-section (1), shall vest in the transferee all rights in or to the property transferred as if the sale had been made by the owner of the property.

(3) The Financial Corporation shall have the same rights and powers with respect to goods manufactured or produced wholly or partly from goods forming part of the security held by it as it had with respect to the original goods.

(4) Where any property is sold or realised by the Financial Corporation under the provisions of this section, the money which is received by it from such sale or realisation shall, in the absence of any contract to the contrary, be held by the Financial Corporation in trust to be applied, first, in payment of all costs, charges and expenses properly incurred by it as incident to the said sale or realisation and, secondly, in discharge of the debt due to the Financial Corporation, and the residue of the money so received shall be paid to the person entitled thereto.

(5) Where the Financial Corporation takes over the management of an industrial concern under the provisions of sub-section (1), the Financial Corporation shall be deemed to be the owner of such concern, for the purposes of suits by or against the concern, and shall sue and be sued in the name of the owner of the concern.

30. *Power to call for repayment before agreed period.*—Notwithstanding anything in any agreement to the contrary, the Financial Corporation may, by notice in writing, require any industrial concern to which it has granted any loan or advance to discharge forthwith in full its liabilities to the Financial Corporation,—

(*a*) if it appears to the Board that false or misleading information in any material particular was given by the industrial concern in its application for the loan or advance: or

(*b*) if the industrial concern has failed to comply with the terms of its contract with the Financial Corporation in the matter of the loan or advance; or

(*c*) if there is a reasonable apprehension that the industrial concern is unable to pay its debts or that proceedings for liquidation may be commenced in respect thereof; or

(*d*) if the property pledged, mortgaged, hypothecated or assigned to the Financial Corporation as security for the loan or advance is not insured and kept insured by the industrial concern to the satisfaction of the Financial Corporation or depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given; or

(*e*) if, without the permission of the Board, any machinery, plant or other equipment, whether forming part of the security or otherwise, is removed from the premises of the industrial concern without being replaced; or

(*f*) if for any reason it is necessary * * * to protect the interests of the Financial Corporation.

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31. *Special provisions for enforcement of claims by Financial Corporation.*—(1) Where an industrial concern, in breach of any agreement, makes any default in repayment of any loan or advance or any instalment thereof or otherwise fails to comply with the terms of its agreement with the Financial Corporation or where the Financial Corporation requires an industrial concern to make immediate repayment of any loan or advance under section 30 and the industrial concern fails to make such repayment, any officer of the Financial Corporation, generally or specially authorised by the Board in this behalf, may apply to the district judge within the limits of whose jurisdiction the industrial concern carries on the whole or a substantial part of its business for one or more of the following reliefs namely:—

(*a*) for an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan or advance; or

(*b*) for transferring the management of the industrial concern to the Financial Corporation; or

(*c*) for an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery or plant or equipment from the premises of the industrial concern without the permission of the Board, where such removal is apprehended.

(2) An application under sub-section (1) shall state the nature and extent of the liability of the industrial concern to the Financial Corporation, the ground on which it is made and such other particulars as may be prescribed.

32. *Procedure of district judge in respect of applications under section 31.*—(1) When the application is for the reliefs mentioned in clauses (*a*) and (*c*) of sub-section (1) of section 31, the district judge shall pass an *ad interim* order attaching the security, or so much of the property of the industrial concern as would on being sold realise in his estimate an amount equivalent in value to the outstanding liability of the industrial concern to the Financial Corporation, together with the costs of the proceedings taken under section 31, with or without *ad interim* injunction restraining the industrial concern from transferring or removing its machinery, plant or equipment.

(2) When the application is for the relief mentioned in clause (*b*) of sub-section (1) of section 31, the district judge shall grant an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery, plant or equipment and issue a notice calling upon the industrial concern to show cause, on a date to be specified in the notice, why the management of the industrial concern should not be transferred to the Financial Corporation.

(3) Before passing any order under sub-section (1) or sub-section (2). the district judge may, if he thinks fit, examine the officer making th application.

(4) At the same time as he passes an order under sub-section (1), the district judge shall issue to the industrial concern a notice accompanied by copies of the order, the application and the evidence, if any, recorded by him calling upon it to show cause on a date to be specified in the notice why the *ad interim* order of attachment should not be made absolute or the injunction confirmed.

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(5) If no cause is shown on or before the date specified in the notice under sub-sections (2) and (4), the district judge shall forthwith make the *ad interim* order absolute and direct the sale of the attached property or transfer the management of the industrial concern to the Financial Corporation or confirm the injunction.

(6) If cause is shown, the district judge shall proceed to investigate the claim of the Financial Corporation in accordance with the provisions contained in the Code of Civil Procedure, 1908 (Act V of 1908), in so far as such provisions may be applied thereto.

(7) After making an investigation under sub-section (6), the district judge may—

(*a*) confirm the order of attachment and direct the sale of the attached property;

(*b*) vary the order of attachment so as to release a portion of the property from attachment and direct the sale of the remainder of the attached property;

(*c*) release the property from attachment;

(*d*) confirm or dissolve the injunction; or

(*e*) transfer the management of the industrial concern to the Financial Corporation or reject the claim made in this behalf:

Provided that when making an order under clause (*c*), the district judge may make such further orders as he thinks necessary to protect the interests of the Financial Corporation and may apportion the costs of the proceedings in such manner as he thinks fit:

Provided further, that unless the Financial Corporation intimates to the district judge that it will not appeal against any order releasing any property from attachment, such order shall not be given effect to, until the expiry of the period fixed under sub-section (9) within which an appeal may be preferred or, if an appeal is preferred, unless the High Court otherwise directs until the appeal is disposed of.

(8) An order of attachment or sale of property under this section shall be carried into effect as far as practicable in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908) for the attachment or sale of property in execution of a decree as if the Financial Corporation were the decree holder.

(9) Any party aggrieved by an order under sub-section (5) or sub-section (7) may, within thirty days from the date of the order, appeal to the High Court, and upon such appeal the High Court may, after hearing the parties, pass such orders thereon as it thinks proper.

(10) Where proceedings for liquidation in respect of an industrial concern have commenced before an application is made under sub-section (1) of section 31, nothing in this section shall be construed as giving to the Financial Corporation any preference over the other creditors of the industrial concern not conferred on it by any other law.

(11) The functions of a district judge under this section shall, in a presidency-town, be exercised by the principal judge of the City Civil Court, if any, having jurisdiction or by the High Court.

CHAPTER IV.

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INVESTMENT OF FUNDS, ACCOUNTS AND AUDIT.

33. *Funds of the Financial Corporation.*—(1) Every Financial Corporation shall have its own fund, and all receipts of the Financial Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in the Reserve Bank or with any agency of the Reserve Bank other than a Government treasury or in a scheduled bank in consultation with the Reserve Bank.

34. *Investment of funds.*—The Financial Corporation may invest its funds in the securities of the Central Government or of any State Government.

35. *Disposal of profits.*—(1) The Financial Corporation shall establish a reserve fund.

(2) After making provision for bad and doubtful debts, depreciation of assets and all other matters which are usually provided for by banking companies, the Financial Corporation may out of its net annual profits declare a dividend :

Provided that for so long as the reserve fund is less than the paid-up share capital of the Financial Corporation and until there has been repaid to the State Government such sum, if any, as that Government may have paid under guarantee given in pursuance of Section 6, or under any guarantee given in pursuance of sub-section (2) of Section 7, the rate of such dividend shall not exceed the rate guaranteed by the State Government under Section 6.

(3) Notwithstanding anything contained in this section, no dividend paid under this section shall under any circumstances exceed the rate of five per cent per annum and if, in respect of any financial year after the reserve fund becomes equal to the share capital of the Financial Corporation, there is a surplus in the net profits after declaring a dividend at the rate specified in this sub-section, such surplus shall be paid to the State Government.

36. *General meetings.*—(1) A general meeting (hereinafter referred to as the annual general meeting) shall be held annually at a place in the State within two months from the date on which the annual accounts of the Financial Corporation are closed, and a general meeting may be convened by the Board at any other time.

(2) The shareholders present at the annual general meeting shall be entitled to discuss the annual accounts, the report of the Board on the working of the Financial Corporation throughout the year and the auditor's report on the annual balance-sheet and accounts.

37. *Audit.*—(1) The affairs of the Financial Corporation shall be audited by not less than two auditors duly qualified to act as auditors of companies under sub-section (1) of Section 144 of the Indian Companies Act, 1913 (VII of 1913), one of whom shall be appointed by the State Government in consultation with the Comptroller and Auditor-General of India and the other elected in the prescribed manner by the parties mentioned in clauses (*c*) and (*b*) of sub-section (3) of Section 4, and such remuneration as

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the State Government may fix shall be paid to the auditors by the Financial Corporation.

(2) Every auditor shall be supplied with a copy of the annual balance-sheet of the Financial Corporation, and it shall be his duty to examine it, together with the accounts and vouchers relating thereto, and every auditor shall have a list delivered to him of all books kept by the Financial Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Financial Corporation and may in relation to such accounts examine any director or officer of the Financial Corporation.

(3) The auditors shall make a report to the shareholders upon the annual balance-sheet and accounts, and in every such report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of affairs of the Financial Corporation, and in case* they had called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(4) The State Government may, in consultation with the Comptroller and Auditor-General of India, at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Financial Corporation for the protection of its shareholders and creditors or upon the sufficiency of their procedure in auditing the affairs of the Financial Corporation and may enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted, or direct that any other examination be made by the auditors, if in its opinion the public interest so requires.

(5) The Financial Corporation shall send a copy of every report of the auditors to the Comptroller and Auditor-General of India at least one month before it is placed before the share-holders.

(6) Notwithstanding anything contained in the preceding sub-sections, the Comptroller and Auditor-General of India may, either of his own motion or on a request received in this behalf from a State Government, undertake such audit and at such times as he may consider necessary:

Provided that where the State Government is required to make any payment on account of the guarantee given by it under Section 6 or sub-section (2) of Section 7, as the case may be, such audit shall be undertaken by the Comptroller and Auditor-General of India.

(7) Every audit report under sub-section (6) shall be forwarded to the State Government and the Government shall cause the same to be laid before the Legislature of the State.

38. *Returns.*—(1) The Financial Corporation shall furnish a statement, in the prescribed form, of its assets and liabilities as at the close of business on the last Friday of each month or, if that day is a public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881), as at the close of business on the preceding working day to the State Government and to the Reserve Bank within ten days from the date to which the statement relates.

(2) The Financial Corporation shall furnish in the prescribed form to the State Government and to the Reserve Bank once every three months or, as frequently as the State Government or the Reserve Bank may require, a

statement showing the classification of its loans and investments and of all loans guaranteed by it and underwriting agreements entered into by it.

(3) The Financial Corporation shall furnish to the State Government and to the Reserve Bank within three months of the close of each financial year a statement in the prescribed form of its assets and liabilities as at the close of that year, together with a profit and loss account for the year, the auditors' report and a report of the working of the Financial Corporation during the year and copies of the said statement, account and reports shall be published in the Official Gazette and shall also be laid before the Legislature of the State.

CHAPTER V.

MISCELLANEOUS.

39. *Power to give instructions to Financial Corporation on questions of policy.*—(1) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

(3) If the Board fails to carry out the instructions on the question of policy laid down by the State Government, the State Government shall have the power to supersede the Board and appoint a new Board in its place to function until a properly constituted Board is set up, and the decision of the State Government as to the grounds for superseding the Board shall not be questioned in any court.

40. *Declaration of fidelity and secrecy.*—Every director, auditor, officer or other employee of the Financial Corporation shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

41. *Indemnity of directors.*—(1) Every director shall be indemnified by the Financial Corporation against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the Financial Corporation or for any loss or expenses resulting to the Financial Corporation by the insufficiency or deficiency of value of or title to any property or security acquired or taken on behalf of the Financial Corporation or by the wrongful act of any person under obligation to the Financial Corporation or by anything done in good faith in the execution of the duties of his office or in relation thereto.

42. *Offences.*—(1) Whoever, in any bill of lading, warehouse receipt or other document given to the Financial Corporation, whereby security is given or is purported to be given to the Financial Corporation for any accommodation granted by it under this Act, wilfully makes any false statement or

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knowingly permits any false statement to be made shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) whoever, without the consent in writing of the Financial Corporation, uses the name of the Financial Corporation in any prospectus or advertisement shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(3) No court shall take cognizance of any offence punishable under this Act otherwise than on a complaint in writing signed by an officer of the Financial Corporation authorised by the Board in this behalf.

43. *Provisions relating to Income-tax and Super-tax.*—For the purposes of the Indian Income-tax Act, 1922 (XI of 1922), the Financial Corporation shall be deemed to be a company within the meaning of that Act and shall be liable to Income-tax and Super-tax accordingly on its income, profits and gains :

Provided that any sum paid by the State Government under the guarantee given in pursuance of Section 6 or under any guarantee given in pursuance of sub-section (2) of Section 7 shall not be treated as the income, profits and gains of the Financial Corporation and any interest on debentures or bonds paid by the Financial Corporation out of such sum shall not be treated as expenditure incurred by it :

Provided further that in the case of any shareholder such portion of a dividend as has been paid out of any such sum advanced by the State Government shall be deemed to be its income from "interest on securities" declared to be Income-tax free within the meaning of Section 8 of that Act.

44. *Act XVIII of 1891 to apply to the books of the Financial Corporation.*—The Financial Corporation shall be deemed to be a bank for the purposes of the Bankers Books Evidence Act, 1891 (XVIII of 1891).

45. *Liquidation of Financial Corporation.*—No provision of law relating to the winding-up of companies or corporations shall apply to the Financial Corporation, and the Financial Corporation shall not be placed in liquidation, save by order of the State Government and in such manner as it may direct.

46. *Power to apply Act to certain financial institutions in existence at commencement of Act.*—(1) The Central Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall, subject to such exceptions and restrictions as may be specified, apply to any institution in existence at the commencement of this Act which has for its object the financing of industrial concerns, and on the issue of such notification, the institution shall be deemed to be a Financial Corporation established the State Government for the State within the meaning of this Act, and the provisions of this Act shall become applicable thereto according to the minor of the notification.

(2) Any notification issued under sub-section (1) may suspend the operation of any enactment applicable to any such institution immediately before the issue of the notification.

47. *Power of State Government to make rules.*—The State Government may make rules not inconsistent with the provisions of this Act to give effect

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to the provisions of this Act and in particular, such rules may provide for the limitation on the voting rights of a shareholder and the manner in which such voting rights may be exercised and where there is any inconsistency between the rules and the regulations made under this Act, the rules shall prevail.

48. *Power of Board to make regulations.*—(1) The Board may, after consultation with the Reserve Bank and with the previous sanction of the State Government, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the holding and conduct of elections under this Act, including the final decision on doubts or disputes regarding the validity of elections;

(*b*) the manner in which, and the conditions subject to which, the first allotment of the shares of the Financial Corporation shall be made;

(*c*) the manner in which, and the conditions subject to which, the shares of the Financial Corporation may be held and transferred and generally all matters relating to the rights and duties of shareholders;

(*d*) the manner in which general meetings shall be convened, the procedure to be followed thereat and the manner in which voting rights may be exercised;

(*e*) the calling of meetings of the Board and of the Executive Committee, fees for attending meetings thereof and the conduct of business thereat;

(*f*) the manner and terms of issue and repayment of bonds and debentures by the Financial Corporation;

(*g*) the conditions which the Financial Corporation may impose in granting loans or advances;

(*h*) the manner of determining the sufficiency of the security taken under sub-section (2) of Section 25;

(*i*) the forms of returns and statements required under this Act;

(*j*) the duties and conduct of officers and servants and agents of the Financial Corporation;

(*k*) the establishment and maintenance of provident or other benefit funds for employees of the Financial Corporation;

(*l*) the taking over of the management of any industrial concern on a breach of its agreement with the Financial Corporation;

(*m*) the appointment of *ad hoc* committees for technical and oth advice for the purposes of this Act; and

(*n*) generally, the efficient conduct of the affairs of the Financial Corporation.

(3) All regulations made under this section shall be published in the Official Gazette and shall come into force on such publication.

THE SCHEDULE 618

(*See* section 40)

DECLARATION OF FIDELITY AND SECRECY

I, ..., do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as a director, officer, employee or auditor (as the case may be) of the Financial Corporation and which properly relate to any office or position in the said Financial Corporation held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Financial Corporation, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Financial Corporation and relating to the business of the Financial Corporation.

Signature.

Signed before me :

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The following Report of the Select Committee on the Bill to provide for the establishment of a Tariff Commission and to regulate its duties and functions, was presented to Parliament on the 10 August 1951 :—

We, the undersigned Members of the Select Committee to which the Bill to provide for the establishment of a Tariff Commission and to regulate its duties and functions was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Clause 3.—Although we agree with the recommendation of the Fiscal Commission that the Tariff Commission should ordinarily consist of five members, the majority of us are of the opinion that the position should remain flexible as proposed in the Bill so that the number of members may be increased if the volume of work demands it. We think, however, that the maximum should be increased from four to five.

By a majority we have also decided that the proviso to sub-clause (1) providing for the appointment of temporary additional members should remain.

As a matter of drafting we have recast this clause.

Clause 4.—Although we do not propose to make any changes in this use, we recommend that except where necessary officers of the Government in the administrative services should not be appointed as members of the Commission, and if any such appointments have to be made, they should be confined to the minimum.

Clause 5.—In our opinion a Member of Parliament or of a State Legislature should not be disqualified for appointment as a member of the Commission, but the law should provide for the vacation of his seat on his being appointed a member. We also feel that the proviso to sub-clause (1)(b)

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should be omitted as, firstly, it is unnecessary, and secondly, it may have the effect of negativing what is sought to be achieved by sub-clause (1)(b). The clause has been redrafted accordingly.

Clause 6.—Although we do not feel called upon to make any changes in sub-clause (3), we recommend that in the case of temporary additional members of the Commission the consent of the Central Government to their holding private appointments after the termination of their office should be freely given. We also feel that as membership of the Commission is a high office there is no need to prescribe a penalty for securing compliance with the provisions of this sub clause.

Clause 7.—In our opinion the powers of removal contained, for example, in sub-clauses (a) and (b) require to be regulated so as to prevent the arbitrary exercise thereof, and we have, therefore, provided in clause 24 for rules to be made in this behalf. As an additional safeguard we have provided that every case of removal should be reported to Parliament. Incidentally we have added the words "or mentally" in sub-clause (a), and have made a few minor drafting changes.

Clause 8.—Although in our opinion no amendment is called for in this clause, we recommend that in making rules in this behalf the Central Government should provide that appointments above a certain limit, say Rs. 300 per mensem, should be made only on the recommendation of the Union Public Service Commission while appointments below that limit may be made by the Commission.

Clause 11.—In sub-clause (1)(a) we have substituted the words "or in any other suitable form" for the word "otherwise" to indicate clearly that protection may assume any form, whether fiscal or non-fiscal. In the nature of thing it is difficult to specify all forms of protection. We have also omitted the words "primary or secondary" as unnecessary. Moreover, in the absence of suitable definitions these words may cause some difficulty.

In sub-clause (1)(c) we have omitted the word "manufacture" as being irrelevant and the change in sub-clause (1)(d) is consequential upon the amendment to clause 13.

A new sub-clause (1)(e) has been added providing for the reference to the Tariff Commission of protected industries where the protection given requires to be further considered with a view to its modification or abolition.

Suitable provisions exist in the Indian Tariff Act, 1934, enabling the Central Government to take action in emergencies and a provision on the lines of sub clause (2) is hardly necessary. In our opinion this provision should be omitted.

Clause 13.—In our opinion the powers of the Commission to make enquiries *suo motu* should also extend to the matters specified in clause 11 (1) (b) and in the new clause 11 (1) (e).

Clause 14.—We have made express provision in the new sub-clause (1) (e) to ensure that due regard is given by the Tariff Commission to cottage and other small scale industries engaged in the same or allied field before granting protection to an industry. We have also amended sub-clause (3) indicating two more matters in respect of which conditions may be prescribed. A suggestion was made that a reference to conditions relating to labour

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should also find a place here, but as this is implicit in sub-clause (1) (a) we have not thought it necessary to include any such express provision.

Clause 16.—In our opinion a time limit should be fixed within which the Government should be compelled to take action on every report of the Tariff Commission. We have redrafted sub-clause (2) accordingly.

Clause 18.—We have redrafted this clause so as to provide for the appointment of assessors on the request of the Commission also.

Clause 20.—We have omitted sub-clause (3) as being unnecessary and too drastic for the purposes of this Bill.

Clause 22.—We think that the penalties prescribed in this clause should be enhanced to one thousand rupees and six months, respectively.

Clause 24.—We have included a specific reference to a few more items on which rules can be made.

Clause 26.—This is new and provides for the construction of references to the Tariff Board in other enactments.

2. The Bill was published in Part II—Section 2 of the *Gazette of India* dated the 24th March, 1951.

3. We think that the Bill has not been so altered as to require circulation under rule 77 (4) or the Rules of Procedure and Conduct of Business in Parliament, and we recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR
B. R. AMBEDKAR
HAREKRUSHNA MAHTAB
D. P. KARMARKAR
M. L. DWIVEDI
SHREE NARAYAN DAS
KHANDUBHAI K. DESAI
MUNISHWARDATT UPADHYAY
SOCHET SINGH
P. S. DESHMUKH
G. A. THIMMAPPA GOWDA
P. KUNHIRAMAN
V. S. SIVAPRAKASAM
*K. T. SHAH
*ARUN CHANDRA GUHA
THAKUR LALSINGH
RAJ BAHADUR
**THAKUR DAS BHARGAVA
*GOKULBHAI DAULATRAM BHATT
KAKA BHAGWANT ROY
O. V. ALAGESAN
C. D. PANDE

NEW DELHI;
The 10th August, 1951.

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*Subject to a Minute of Dissent.
**The Minute of Dissent was received after the Report was presented to Parliament. It has therefore not been included in this report.

MINUTES OF DISSENT 621

I

I have signed this report subject to the following note.

2. The Bill, as reported upon, still provides for a term of three years to every whole-time member of the Commission. Considering that the persons found competent and suitable for such posts would be, in all probability, past middle age; considering, further, that they would be allowed a second term, if re-appointed, for three years only, it would be most unfair, in my opinion, to leave any such person, at the end of six years of conscientious public service, to shift for himself.

3. It is true, provision has been made for permitting any such person, under suitable circumstances, after retirement, to take up any other employment, conformable to his aptitude or opportunity but, unless such permission is to become a mere formality, it would place the retiring Commissioner under a severe strain, under which, in the concluding months of his term of office, he may not be able to discharge his duties as efficiently and wholeheartedly as may be desired.

4. I have, further, an objection, on principle, for granting such permission, except under wholly exceptional and unexpected circumstances. The opportunity to take employment in a private concern, especially in one of the kind that has received State aid or protection of some sort during the term of such a person's office, is apt to be abused. I would, therefore, guard, as effectively as possible, against any such temptation to impropriety. No permission should, accordingly, be given to seek and accept employment under private business or enterprise, unless an extraordinary and unusual situation has arisen over which the person seeking such permission had no control. These posts should be made, like the judges, integral part of the national public service, with all its rights and obligations, even though persons appointed to these posts, may have been selected rather late in life.

5. An appropriate and effective solution would be to lengthen the term of office, and make it, in the first instance, for five years, and, under suitable circumstances, allow another term of not exceeding five years. By this time the person concerned would have, normally speaking, arrived at an age, where superannuation is the correct step. In no case should these be life appointments for any person; and no vested interests should be suffered to be created, or even to be suspected. Superannuation would be easier, and the public service rendered would not have been all to no purpose, so far as making provision for one's old age is concerned, if some kind of a proportionate pension is allowed in all such cases, as a matter of course and right. The analogy of the Judges' pensions may be quoted, in this connection to reinforce the argument.

6. Another matter on which some change in the report is necessary relates to the form, or the manner, in which protection, encouragement, or assistance to an industry in need of such help may be provided. Clause 11(a), as amended in the Select Committee, provides for "protection (whether by the grant of subsidies or the levy of protectives duties, or in any other suitable form)". But, while mentioning, specifically, only two of the important

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forms in which effective assistance, relief or protection may be afforded, in appropriate cases, a large category is left undefined. If it is found necessary and desirable specifically to mention two of the forms of State help to industry, I see no reason why other forms, equally orthodox and perhaps more effective, should not even be mentioned. The aim of State aid to indigenous industry—call it protection if you like—was wholly different before the achievement of national independence from what it is and should be to-day. The forms of protection must, consequently, also undergo a corresponding change. The omnibus wording, therefore, in this clause is likely to cause more confusion than real assistance, or effective protection. For many reasons of a political as well as economic nature, it is undesirable to leave the precise form, or combination of forms, in which such aid can be given to the discretion of the Tariff Commission, or even to that of the Executive Government. Forms of protection may involve grave questions not only of national but also of international policies. It is, therefore, necessary that the various forms be particularised in the basic legislation itself. At the proper time amendments will be moved to give effect to this view.

7. There are other minor issues on which, also, there appears room for amendment, which will be submitted at the proper moment.

NEW DELHI;
The 10*th August*, 1951.

K. T. SHAH.

II

I am in several agreement with the Bill as amended by the Select Committee. But I have some apprehension about some of the provisions.

2. In section 8 the Tariff Commission has been authorised to appoint its own staff. From our experience in some other autonomous bodies I would very much like to it obligatory for the Commission to go through the Union Public Service Commission for all appointments carrying a salary over Rs. 300 per mensem, instead of leaving it to be regulated by rules. In the past the Government have not been very particular in these matters, so it is difficult for me to accept the assurance that the Government would put such a provision in the rules.

3. Section 11 authorises the Commission to give protection to an industry which has not yet started production. This system is already existing; and we cannot say that in all cases only *bona fide* use has been made of this system. So I wanted a particular time limit—say preferably not exceeding one year—to be fixed within which that industry must start production. But the Select Committee has only added a new sub-section (b) to section 14 by which the Commission will be competent to fix such a time limit. Instead of making it optional for the Commission, I would like to have a definte time fixed by the Act.

4. By section 7, a member of the Commission can be removed for physical inability. Here also I would like in all such cases, a Medical Board should be consulted. But the Select Committee has only put a new sub-section (b) to section 24 by which the Government by rules may provide for such a procedure.

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5. Lastly I would like the members of the Commission to be appointed for five years instead of three years. The responsibilities and the post-retirement disabilities of the members are such as to limit the scope of choice to a narrow circle. So a longer tenure of appointment would have been better.

NEW DELHI;
The 10*th August*, 1951. ARUN CHANDRA GUHA.

III

I am constrained to write this note of dissent.

CLAUSE 6—*Conditions of service of members of the Commission.*

2. *Term of office.*—In sub-clause 1, the term of office proposed is three years. This period seems to be short. It must be raised to five years to stabilise the working of the Tariff Commission. Five years period will go a great way in maintaining continuity of work and uniformity of action. We are now starting to set up a permanent body required to discharge manifold functions and duties. This body has in the first instance to do much spade work in organizing its office, etc., and therefore it is all the more necessary to extend the term to five years.

3. *Restriction on ceasing members.*—Sub-clause 3 of clause 6 runs as follows:—

> "(3) A member of the Commission ceasing to hold office as such shall not hold any appointment in any private industry or undertaking for a period of three years from so ceasing to hold office, save with the consent in writing of the Central Government."

This is a novel sort of future disability introduced. This will apply to permanent as well as to *ad hoc* members of the Commission under clause 3 but for *ad hoc* members, the report of the Select Committee, which has no legal status, recommends to the Central Government to be liberal in granting consent to hold appointments after ceasing to hold office. Whom are we restricting and for what? Let us examine these points. It is said that the members of Tariff Commission will be dealing with important matters concerning the industry and therefore a check proposed would keep them clean and impartial otherwise they are likely to be influenced by the future gain after relinquishing office.

4. First of all we must realise whom are we appointing? They will be 'men of ability and standing' enjoying and inspiring public confidence. They are required to submit detailed reports with their recommendations; the reports will mainly depend on thorough inquiries: these inquiries will be open to the public. And after all what is this Commission for? It has to tender advice to the Central Government. The Government might or might not accept the recommendations of this Commission and even if the Tariff Commission's recommendations are unreasonably accepted by the Government the Parliament is there finally to approve or disapprove the action of the Government.

5. We do not expect the members of the Tariff Commission, men of integrity and position, to act in a manner of favouritism and contrary to the confidence reposed in them. But let us assume for a moment the worst

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possible case. The member who is bought over or influenced does not himself accept an appointment to conform to the letter of the law but he indirectly in numerous ways receives the benefits of favour shown to an industry. How are we going to check that? And what are we going to do for one who contrary to the restriction accepts an appointment? Our report says: "we also feel that as membership of the Commission is a high office there is no need to prescribe a penalty for securing compliance with the provisions of this sub-clause." On the one hand, we put them on so high a level, on the other hand, we begin to doubt their integrity. This is curious and incongruous.

6. I wish to allude to sub-clause (1) of clause 5 wherein it is said: "No person shall be qualified for appointment as, or for continuing to be, a member of the Commission if he has directly or indirectly any such financial or commercial interest in any industry or undertaking as is likely to affect him in the discharge of his duties as a member of the Commission."

7. What harm will be done if a ceasing member actively joins an undertaking in which he had, as a continuing member, some limited interest?

8. One would naturally ask, which is the other Commission embodying in its structure such a 'salutory' provision? Taxation on Income (Investigation Commission) Act does not have such a provision. Income Tax Investigation Commission has much more powers to do and undo a thing. And are we placing restrictions on Ministers and others who hold very important offices of profit and who command executive powers? As far as I know such a restriction is non-existent in similar Acts of other countries. So on principle, I think that such a restriction should not be imposed on the members of the Tariff Commission which is an advisory body.

9. But if, for my inability to express and convince, my point of view is not acceptable, I make the following suggestions also:—

(a) period of three years to be reduced;
(b) pension, gratuity or suitable allowance be given to the ceasing member till the time he is permitted to take an appointment;
(c) sub-clause 3 may be so amended, so as to leave scope for a ceasing member to take an appointment in an industry not enquired into during his tenure of office.

CLAUSE 11—*Reference—obligatory or optional?*

Clause 11 says: "The Central Government may refer to the Commission for inquiry and report any matter....."

10. I think that the Government should refer all applications asking for grant of protection. As it stands at present, the Government may or may not refer any matter.

11. When we are enacting a measure to set up an expert body to tender advice taking into consideration all matters governed by the principles and directions contained in clause 14, the Government should by way of routine refer all applications received. The present procedure of the Government before reference to the Tariff Board is as follows:

".....An industry seeking protection or assistance from Government has first to submit its application to the Ministry of Commerce. This application is placed before an Inter-Departmental Committee consisting of

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representatives of the Ministries of Commerce, Industry and Supply and Finance. Representatives of other Ministries if concerned with any particular industry, are also present at such meetings. If it is fouud that a *prima facie* case has been made out by the industry in question that it is a fit case to go before the Tariff Board, the Ministry of Commerce refers the case to the Board for investigation and report. This reference is made through a Resolution of Government... ...." (Para. 12, Review of Work of the Indian Tariff Board.....from 1945 to 1949).

12. As I am not yet in possession of relevant factual information asked for, I cannot definitely state how much time is taken in the process of reference. But it seems to me that much energy, time and money must be required on the part of the Government and the industry concerned. Is there a necessity for this preliminary examination of a case before reference? Departmental experts may make out a *prima facie* case which, when reported by the Tariff Board, may not deserve protection or assistance sought for (*vide* annexure B of the Review of Work of the Tariff Board); and it is difficult to know how many cases were not referred to the Tariff Board.

13. And therefore if, as a matter of course, applications are straightaway referred to the Tariff Commission, time, energy and money will be saved, duplicating of work would be avoided, and nothing would be lost.

14. It may be said that the Government should be the final authority to refer an application asking for protection, because it can alone take into consideration the Government policy. I do not think there is much substance in this; because the Tariff Commission, before recommending, has to bear in mind 'the public interest' [(e) of (2) of Clause 14.]

15. I have only touched the points, as this note is to be submitted in time.

GOKULBHAI DAULATRAM BHATT.

NEW DELHI;
The 10*th August*, 1951.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV 6 26

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2014—Legis. 4-51-85, dated Bangalore, 2nd February 1952.

Ordered that the Requisitioning and Acquisition of Immovable Property Ordinance, 1952 (Central Ordinance III of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 25th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ORDINANCE, 1952.

No. III OF 1952.

An Ordinance to provide for the requisitioning and acquisition of immovable property for the purposes of the Union.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title, extent and commencement.—(*1*) This Ordinance may be called the Requisitioning and Acquisition of Immovable Property Ordinance, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) "award" means any award of an arbitrator made under section 8;

(*b*) "competent authority" means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform th functions of the competent authority under this Ordinance for such area a. may be specified in the notification;

(*c*) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account, or on account or on behalf or for the benefit, of any other person or as a trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant;

(*d*) the expression "person interested", in relation to any property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Ordinance;

(*e*) "premises" means any building or part of a building and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*f*) "prescribed" means prescribed by rules made under this Ordinance;

(*g*) "property" means immovable property of every kind and includes any rights in or over such property;

(*h*) "tenant" means any persons by whom or on whose account ren is payable for any premises and includes such sub-tenants and other person as have derived title under the tenant under any law for the time being in force.

3. Power to requisition immovable property.—(*1*) Where the competent authority is of opinion that any property is needed or likely to be needed for any public purpose, being a purpose of the Union, and that the property should be requisitioned, the competent authority—

(*a*) shall call upon the owner or any other person who may be in possession of the property by notice in writing to show cause, within fifteen days of the date of the service of such notice on him, why the property should not be requisitioned; and

(*b*) may, by order, direct that neither the owner of the property nor any other person shall, without permission of the competent authority, dispose of, or structurally alter, the property or let it out to a tenant until the expiry of such period, not exceeding two months, as may be specified in the order.

(*2*) If, after considering the cause, if any, shown by any person interested in the property or in possession thereof, the competent authority is satisfied that it is necessary or expedient so to do, it may, by order in writing, requisition the property and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no property which is exclusively used either for the purpose of religious worship or as a school, hospital or an orphanage shall be requisitioned.

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4. Power to take possession of requisitioned property.—(1) Where any property has been requisitioned under section 3, the competent authority may, by notice in writing, order the owner as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within ten days of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may take possession of the property and may, for that purpose, use such force as may be necessary.

5. Rights over requisitioned property.—(1) Where any property is requisitioned under section 3, the competent authority may use or deal with the property in such manner and for such purposes of the Union as may appear to it to be expedient.

(2) Where any premises are requisitioned under section 3, the competent authority may order the landlord to execute such repairs as may be necessary and are usually made by landlords in that locality and as may be specified in the notice, within such time as may be mentioned therein, and if the landlord fails to execute any repairs in pursuance of such order, the competent authority may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

6. Release from requisitioning.—(*1*) The Central Government may at any time release from requisition any property requisitioned under this Ordinance and shall, as far as possible, restore the property in as good a condition as it was when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force.

(*2*) Where any property is to be released from requisition, the competent authority may, after such inquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(*3*) The delivery of possession of the property to the person specified in an order under sub-section (2) shall be a full discharge of the Central Government from all liability in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given.

(*4*) Where any person to whom possession of any requisitioned property is to be given is not found and has no agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the Official Gazette.

(*5*) When a notice referred to in sub-section (*4*) is published in the Official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof and the Central Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

(*6*) Where any property requisitioned under this Ordinance or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake, tempest,

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flood or violence of any army or of a mob or other irresistible force, the requisition shall, at the option of the Central Government, be void:

Provided that the benefit of this section shall not be available to the Central Government where the injury to such property is caused by any wrongful act or default of that Government.

7. Power to acquire requisitioned property.—(*1*) Where any property is subject to requisition, the Central Government may at any time acquire such property by publishing in the Official Gazette a notice to the effect that the Central Government has decided to acquire the property in pursuance of this section.

(*2*) When a notice as aforssaid is published in the Official Gazette, the requisitioned property shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the Central Government free from all encumbrances and the period of requisition of such property shall end.

(*3*) No property shall be acquired under this section except in the following circumstances, namely :—

(*a*) where any works have, during the period of requisition, been constructed on, in or over, the property wholly or partially at the expense of the Central Government and the Government decides that the value of, or the right to use, such works should be secured or preserved for the purposes of Government; or

(*b*) where the cost of restoring the property to its condition at the time of its requisition would, in the determination of the Central Government, be excessive and the owner declines to accept release from requisition of the property without payment of compensation for so restoring the property.

(*4*) Any decision or determination of the Central Government under sub-section (*3*) shall be final and shall not be called in question in any court.

(*5*) For the purposes of clause (*a*) of sub-section (*3*) "works" includes buildings, structures and improvements of every description.

8. Principles and method of determining compensation.—(*1*) Where any property is requisitioned or acquired under this Ordinance, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(*b*) where no such agreement can be reached, the Central Governmenr shall appoint as arbitrator a person who is, or has been, or is qualified fot appointment as, a Judge of a High Court;

(*c*) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned or acquired to assist the arbitrator and where such nomination is made, person to be compensated may also nominate an assessor for the same purpo

(*d*) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinion is a fair amount of compensation;

(*e*) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid; and

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in making the award he shall have regard to the circumstances of each case and the provisions of sub-sections (2) and (3), so far as they are applicable ;

(*f*) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons ;

(*g*) nothing in the Arbitration Act, 1940 (X of 1940) shall apply to arbitrations under this section.

(*2*) The amount of compensation payable for the requisitioning of any property shall consist of—

(*a*) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period ; and

(*b*) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely :—

(*i*) pecuniary loss due to requisitioning ;

(*ii*) expenses on account of vacating the requisitioned premises ;

(*iii*) expenses on account of re-occupying the premises upon release from requisition ; and

(*iv*) damages (other than normal wear and tear) caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(*3*) The compensation payable for the acquisition of any property under section 7 shall be—

(*a*) the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

(*b*) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition,

whichever is less.

9. Payment of compensation.—The amount of compensation payable under an award shall, subject to any rules made under this Ordinance, be paid by the competent authority to the person or persons entitled thereto in such manner as may be specified in the award.

10. Appeals from orders of requisitioning.—(*1*) Any person aggrieved by an order of requisition made by the competent authority under sub-section (*2*) of section 3 may, within ten days from the date of service of the order, prefer an appeal to the Central Government :

Provided that the Central Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the Central Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the Central Government shall be final.

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(3) Where an appeal is preferred under sub-section (1), the Central Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

11. Appeals from awards in respect of compensation.—Any person aggrieved by an award of the arbitrator made under section 8 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the requisitioned or acquired property is situate:

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. Competent authority and arbitrator to have certain powers of civil courts.—The competent authority and the arbitrator appointed under section 8 while holding an inquiry or, as the case may be, arbitration proceedings under this Ordinance, shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any document ;

(c) reception of evidence on affidavits ;

(d) requisitioning any public record from any court or office ;

(e) issuing commissions for examination of witnesses.

13. Power to obtain information.—The Central Government or the competent authority may, with a view to carrying out the purposes of section 3 or section 6, or section 7 or section 8 by order require any person to furnish to such officer, as may be specified in the order, such information in his possession as may be specified relating to any property which is requisitioned or acquired, or intended to be requisitioned or acquired, under this Ordinance.

14. Power to enter and inspect.—The competent authority or any officer, empowered in this behalf by such authority by general or special order, may enter and inspect any property for the purposes of determining whether, and if so, in what manner, an order under this Ordinance should be made in relation to such property or with a view to securing compliance with the order made under this Ordinance.

15. Service of notice and orders.—(1) Subject to the provisions of this section and any rules that may be made under this Ordinance, every notice or order issued or made under this Ordinance shall,—

(a) in the case of any notice or order of a general nature or affecting a class of persons, be published in the Official Gazette ; and

(b) in the case of any notice or order affecting an individual corporation firm, be served in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX as the case may be, in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908) ; and

(c) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person—

(i) by delivering or tendering it to that person ; or

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(*ii*) if it cannot be so delivered or tendered by delivering or tendering it to any officer of such person or any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(*iii*) by post.

(*2*) Where the ownership of the property is in dispute or where the persons interested in the property are not readily traceable and the notice or order cannot be served without undue delay, the notice or order may be served by publishing it in the Official Gazette, and where possible, by affixing a copy thereof on any conspicuous part of the property to which it relates.

16. Easement not to be disturbed.—No person interested in any property requisitioned or acquired under this Ordinance shall, without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requirement, wilfully disturb any convenience or easement attached to such property or remove, destroy or render unserviceable any thing provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the property.

17. Delegation of powers.—The Central Government may, by general or special order, direct that the powers exercisable by it by or under this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to that Government.

18. Protection of action taken in good faith.—(*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

(*2*) No suit or other legal proceeding shall lie against the Central Government or the competent authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

19. Bar of jurisdiction of civil courts.—Save as otherwise expressly provided in this Ordinance, no civil court shall have jurisdiction in respect of any matter which the competent authority or arbitrator is empowered by or under this Ordinance to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

20. Penalty for offences.—Whoever contravenes any provision of this Ordinance, or of any rule made thereunder, or any order made or direction given under this Ordinance, or obstructs the lawful exercise of any power conferred by or ·der this Ordinance, shall be punishable with fine which may extend to one ·usand rupees.

21. Certain persons to be public servants.—The competent authority, every arbitrator and every officer empowered by the Central Government or the competent authority, while exercising any power or performing any duty under this Ordinance, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

22. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

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(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the procedure to be followed by the competent authority in making inquiries under section 3 or section 6 ;

(b) the procedure to be followed in arbitration proceedings and appeals under this Ordinance ;

(c) levy of court-fee in respect of appeals under section 11 ;

(d) the principles to be followed in determining the amount of compensation and method of payment of such compensation ;

(e) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal under this Ordinance ;

(f) the manner of service of notices and orders ;

(g) any other matter which has to be, or may be, prescribed.

23. Validation of certain requisitions.—All immovable property which purports to have been requisitioned by a State Government for any public purpose, being a purpose of the Union, under any Provincial or State Act and which, immediately before the commencement of this Ordinance, is used or occupied by the Central Government or by an officer or authority subordinate to that Government shall, on such commencement, be deemed to be property duly requisitioned under section 3 of this Ordinance, and every such requisition shall, notwithstanding any judgment, decree or order of any court, be deemed always to have been valid as if this Ordinance had been in force on and from the date of the requisition and the requisition had been duly made by a competent authority under this Ordinance, and all the provisions of this Ordinance shall apply accordingly :

Provided that all agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Ordinance and in force immediately before such commencement, shall be valid and shall be deemed always to have been valid and shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after such commencement.

24. Repeals and Savings.—(1) The Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947) and the Delhi Premises (Requisition and Eviction) Act, 1947 (XLIX of 1947) are hereby repealed.

(2) For the removal of doubts, it is hereby declared that any property which immediately before such repeal was subject to requisition under the provisions of either of the said Acts shall, on the commencement of this Ordinance, be deemed to be property requisitioned under section 3 of this Ordinance, and all the provisions of this Ordinance shall apply accordingly :

Provided that—

(a) all agreements and awards for the payment of compensation in resp of any such property for any period of requisition before the commencement of this Ordinance and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after such commencement;

(b) anything done or any action taken (including any orders, notifications or rules made or issued) in exercise of the powers conferred by or under either of the said Acts shall, in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done or taken in the exercise of the

powers conferred by or under this Ordinance as if this Ordinance were in force on the day on which such thing was done or action was taken.

25. Amendment of Act XXVII of 1950.—The following amendments shall be made in the Government Premises (Eviction) Act, 1950, namely :—

(*1*) In sub-section (2) of Section 1, for the words "the States of Jammu and Kashmir and Delhi", the words "the State of Jammu and Kashmir" shall be substituted.

(*2*) For clause (*b*) of Section 2, the following clause shall be substituted, namely :—

"(*b*) 'Government premises' means any premises or land belonging to or taken on lease or requisitioned by, the Central Government or requisitioned by the competent authority under the Requisitioning and Acquisition of Immovable Property Ordinance, 1952, and, in relation to the State of Delhi, includes any premises or land belonging to any municipality in Delhi or any land belonging to the Improvement Trust, Delhi, whether such land is in the possession of, or leased out by, the Improvement Trust."

(*3*) In section 3, for the words "the premises" wherever they occur, the words "the Government premises" shall be substituted.

(*4*) For Section 4, the following section shall be substituted, namely :—

"4. *Power to recover rent or damages in respect of Government premises as arrears of land revenue.*—(*1*) Subject to any rules that may be made in this behalf by the Central Government, by notification in the Official Gazette, any sum due by way of rent in respect of any Government premises which is in arrear may be recovered by the competent authority from the person liable to pay the same in the same manner as an arrear of land revenue.

(*2*) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the Government premises as it thinks fit and may, by notice served by post or in such other manner, as may be prescribed by rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice.

(*3*) If any person refuses or fails to pay the damage within the time specified in the notice under sub-section (2), the damages may be recovered in the same manner as an arrear of land revenue."

(*5*) In sub-section (2) of Section 10—

(*i*) after clause (*b*), the following clause shall be inserted, namely :—

"(*bb*) the circumstances under which rent in respect of Government premises may be recovered as an arrear of land revenue ;";

(*ii*) to clause (*c*) the words "and the matters which may be taken into account in assessing such damages" shall be inserted ;

(*iii*) after clause (*c*) the following clause shall be inserted, namely :—

"(*cc*) the manner of service of any notice under this Act ;".

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION. 635

No. L.D. 2016—Legis. 4-51-88, dated Bangalore, 6th February 1952.

Ordered that the Coal Mines (Conservation and Safety) Ordinance, 1952 (Central Ordinance No. I of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 8th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE COAL MINES (CONSERVATION AND SAFETY) ORDINANCE, 1952.

NO. I OF 1952.

An Ordinance to provide for the conservation of coal and make further provision for safety in coal mines.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Coal Mines (Conservation and Safety) Ordinance, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Declaration as to expediency of control by Central Government.—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation of coal mines to the extent hereinafter provided.

3. Definitions.—In this Ordinance, unless the context otherwise requires—

(a) "Board" means the Coal Board established under section 4;

(b) "blending" means the process of intimately mixing different varieties of coal so as to provide a mixture which on carbonisation results in coke, which, in the opinion of the Board is suitable for being used in metallurgical industries, particularly in iron and steel industries;

(c) "coal" includes coke in all its forms;

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(*d*) "coking coal" means such type of coal from which on carbonisation coke, suitable, in the opinion of the Board, for being used in metallurgical industries, particularly in iron and steel industries, can be prepared;

(*e*) "Chief Inspector" and "Inspector" mean the persons respectively appointed as the Chief Inspector of Mines and Inspector of Mines under sub-section (1) of section 4 of the Indian Mines Act, 1923 (IV of 1923) and the provisions of that Act shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Ordinance or the rules made thereunder;

(*f*) "Fund" means the Coal Mines Safety and Conservation Fund constituted under section 12;

(*g*) "India" means the territory of India excluding the State of Jammu and Kashmir;

(*h*) "prescribed" means prescribed by rules made under this Ordinance;

(*i*) "soft cock" means all cock which is unsuitable for being used in metallurgical industries, and "hard coke" means all coke which is not soft coke;

(*j*) "Stowing" means the operation of filling with sand or any other material or with both spaces left under-ground in a coal mine by the extraction of coal;

(*k*) "washing" means such a process or a combination of processes as may be approved in this behalf by the Board by which the whole or any part of the shaley and mineral matter found in the coal is removed therefrom;

(*l*) "agent", "mine" and "owner" have the meanings respectively assigned to them in section 3 of the Indian Mines Act, 1923 (IV of 1923).

4. Establishment of the Board.—(*1*) As from the commencement of this Ordinace, there shall be established a Board, to be called the Coal Board, and such Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

(*2*) The Board shall consist of a Chairman and such number of other members, not exceeding four, as the Central Government may think fit to appoint and the members (including the Chairman) shall hold office during the pleasure of the Central Government:

Provided that the Chairman or any other member of the Board may resign his office by giving notice in writing to the Central Government and shall, on such resignation being accepted by that Government, be deemed to have vacated his office.

(*3*) No act or proceeding of the Board shall be invalid by reason only of the xistence of any vacancy amongst its members (including the Chairman) or any defect in the constitution thereof.

5. Functions of the Board.—(*1*) The Board may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and discharge such duties as may be assigned to it by or under this Ordinance.

(*2*) The Central Government may, by general or special order, delegate to the Board, subject to such conditions and limitations (if any) as may be specified in the order, such of its powers and duties under this Ordinance or under any other law for

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the time baing in force as it may deem necessary for effectively dealing with problems relating to safety in coal mines or conservation of coal and matters connected therewith or incidental thereto.

6. Powers of the Board in executing operations.—(*1*) If in the opinion of the Board, it is necessary or desirable that any measures, including stowing, required in furtherance of the objects of this Ordinance should be undertaken directly by the Board, the Board may execute or cause to be executed such measures under its own supervision.

(*2*) For the purposes of this section, the Board shall have the right for itself and all persons employed in the execution of any work undertaken under this section to enter upon any property in which the work has to be done, and to do therein all things necessary for the execution of the work.

(*3*) No person shall obstruct or interfere with the execution of any work undertaken under this section and no person shall remove or tamper with any plant or machinery or any stowing or other materials used in the execution of such work.

(*4*) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

7. Powers of Central Government in respect of safety in coal mines and conservation of coal.—(*1*) The Central Government may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and take or cause to be taken all such measures as it may deem necessary or proper or as may be prescribed.

(*2*) Without prejudice to the generality of the foregoing power the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of maintenance of safety in coal mines or for conservation of coal, including—

(*a*) in any coal mine, stowing for safety ; or

(*b*) without prejudice to any order under clause (a), in the case of any coal mine producing coking coal or producing coal which on beneficiation is likely to yield coking coal or producing coal suitable for blending, stowing for conservation ; or

(*c*) washing of coal with a view to beneficiating and reducing the ash contents of coal and improving its coking qualities.

8. Imposition of excise duties.—(*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected—

(*a*) on all coal raised and despatched, and on all coke manufactured and despatched, from the collieries in India, such duty of excise not exceeding one rupee per ton as may be fixed from time to time by the Central Government by notification in the Official Gazette, and different rates of duty may be levied on different grades or description of coal or coke :

Provided that the Central Government may, by general or special order, exempt any special grade or grades or description of coal or coke from the levy of such duty of excise ;

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(*b*) on all coking coal raised and despatched from the collieries in India such additional duty of excise not exceeding five rupees per ton in the case of coal of Selected Grade A or Selected Grade B, and not exceeding two rupees per ton in the case of coal of Grade I, as may be fixed from time to time by the Central Government by notification in the Official Gazette.

Explanation.—Coal of Selected Grade A, Selected Grade B and Grade I means coal graded as such under the Colliery Control Order, 1945.

(*2*) Where coking coal, in respect of which an additional duty of excise has been levied and collected under clause (*b*) of sub-section (*1*), is despatched to any person for use in Indian and —

(*a*) the use of coking coal is, in the opinion of the Central Government, essential for carrying on any industrial or other process in which such person is engaged ; or

(*b*) the despatch of the coking coal is made under the orders of the Board, although it was not specifically indented for by such person ;

then, the Central Government shall ceuse to be paid to that person a sum equivalent to the additional duty of excise so collected on the coking coal received and used by that person.

9. Imposition of customs duty.—During the period in which any duty of excise is being levied under section 8, the Central Government may, by notification in the Official Gazette, impose on all coal (including soft and hard coke) imported or brought into India from any place outside India, a duty of customs (which shall be in addition to any duty of customs for the time being leviable under any other law), at rates equvivalent to the rates of duties of excise levied under section 8.

10. Collection of excise duties.—The duties of excise levied under section 8 shall be collected by such agencies and in such manner as may be prescribed.

11. Payment to the Coal Board of a sum equal to net proceeds of excise duties.—The Central Government may, in each financial year, pay to the Board a sum equivalent to the net proceeds (determined in such manner as may be prescribed) of the duties of excise collected under section 8 during the preceding financial year.

12. Money received by the Board to be credited to the Fund.—(1) The sum referred to in section 11 and any other money received by the Board shall be credited to a Fund to be called the Coal Mines Safety and Conservation Fund which shall be applied by the Board, in such manner and subject to such conditions as may be prescribed, to—

(*a*) meeting the expenses in connection with the administration of the Board and the furtherance of the objects of this Ordinance ;

(*b*) the grant of stowing materials and other assistance for stowing operations to the owners, agents or managers of coal mines ;

(*c*) the execution of stowing and other operations in furtherance of the objects of this Ordinance ;

(*d*) the prosecution of research work connected with safety in coal mines or conservation and utilisation of coal ;

(*e*) meeting the cost of administering the Fund and the expenses in connection with Advisory Committees ;

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(f) the grant to State Governments, research organisations, local authorities and owners, agents or managers of coal mines of money in aid of any scheme approved by the Central Government in furtherance of the objects of of this Ordinance;

(g) any other expenditure which the Central Government directs to be defrayed out of the Fund.

(1) The Board shall keep accounts of the Fund, and such accounts shall be examined and audited at prescribed intervals by the auditors appointed in this behalf by the Central Government.

13. Powers of Inspectors.—(1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Ordinance or of any rules and orders made thereunder are being complied with.

(2) The Chief Inspector or any Inspector may, with such assistants, if any, as he thinks fit, enter, inspect and examine at any time by day or night any coal mine in respect of which assistance is being, or has been, given under this Ordinance, in order to ascertain the amount of sand or other materials used in stowing in the mine or to ensure that stowing or any other operation towards which assistance may be granted under this Ordinance, has been, or is being, done effectively:

Provided that the power conferred by this sub-section shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine.

(3) Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923 (IV of 1923), the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

(a) the extraction or reduction of pillars in any part of the mine is likely cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the mine, or

(b) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.

(4) The powers conferred on the Inspector under sub-sections (1), (2) and (3) may also be exercised by such officers of the Board suitably qualified in this behalf as the Central Government may, by notification in the Official Gazette, specify in this behalf.

14. Application of Act IV of 1923.—The provisions of sub-sections (3) to (6) (both inclusive of section 19 of the Indian Mines Act, 1923 (IV of 1923), shall apply to an order made under sub-section (3) of section 13 of this Ordinance as they apply to an order made under sub-section (2) of section 19 of that Act, and all the provisions of the Indian Mines Act, 1923, [except sub-section (1) of section 11 thereof], affecting committees appointed for the purposes of that Act or relating to the disposal of references made to such committees, shall apply, so far as may be, to a committee appointed to enquire into a reference under this Ordinance and to the disposal of such reference:

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Provided that the power conferred by the proviso to sub-section (6) of the said section 19 to suspend the operation of a requisition under sub-section (1) of that section shall include a power similarly to suspend the operation of an order made under sub-section (3) of section 13 of this Ordinance.

15. Advisory Committees.—(1) The Central Government may, by notification in the Official Gazette, constitute one or more Advisory Committees consisting of such number of persons and on such terms and conditions as may be prescribed.

(2) It shall be the duty of the Advisory Committees to advise the Central Government or the Board in regard to any matter connected with the administration of the Ordinance in respect of which their advice is sought by the Central Government, or, as the case may be, by the Board.

16. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Board or any officer thereof or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

17. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may for all or any of the following matters, namely:—

(*a*) the measures to be taken for the purpose of maintenance of safety in coal mines or for the conservation of coal;

(*b*) the levy, collection and payment of the duties of excise and the imposition, collection and payment of the duty of customs;

(*c*) the appointment and terms and conditions of service of the Chairman and other members of the Board;

(*d*) the powers and functions of, and the conduct of business by the Board

(*e*) the determination of the net proceeds of the duties of excise for the purposes of section 11;

(*f*) the manner in which, and the conditions subject to which, sums at the credit of the Coal Mines Safety and Conservation Fund may be applied;

(*g*) the form in which the accounts of the Fund shall be kept, the intervals within which, and the manner in which, such accounts may be audited;

(*h*) the composition of any committee of inquiry which may be appointed to inquire into a reference arising out of an order passed under sub-section (3) of section 13, the technical qualifications to be possessed by persons nominated thereto, and the powers and duties of such committee;

(*i*) the composition of Advisory Committees, their functions, and the terms and conditions of service of members thereof;

(*j*) any other matter which has to be, or may be, prescribed.

(3) Any rule made under the provisions of this Ordinance may provide that the contravention thereof shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) All rules made under the provisions of this Ordinance shall be laid, as soon as may be, before Parliament.

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18. Ordinance to apply to Government coal mines.—This Ordinance applies also to coal mines belonging to the Government.

19. Repeal.—(*1*) The Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939), is hereby repealed.

(*2*) Notwithstanding such repeal, any thing done or any action taken (including any rules, notifications or orders made or issued) in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken under this Ordinance as if this Ordinance were in force on that day.

(*3*) As from the commencement of this Ordinance, all the moneys lying to the credit of the Coal Mines Stowing Fund under the Act hereby repealed shall be deemed to have been transferred to, and to vest in, the Board and to form part of the Coal Mines Safety and Conservation Fund.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV 642

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 1821, dated Bangalore 10th March 1952.

Ordered that the accompanying Notification No. P.C.-7 (2)/50 dated the 16th February 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950), be republished in the *Mysore Gazette*, for the information of the general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 16th February 1952.

ORDER.

No. P.C.-7 (2)/50. In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950) and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. P.C.-7 (2)/50, dated the 13th July 1951, the Central Government hereby fixes in the Schedule annexed hereto the maximum prices of certain varieties of Soda Ash (Commercial) which may be charged by dealers and producers.

Schedule. 643

1	2	3	4	5
Variety of Soda Ash (Commercial)	Maximum price that may be charged by a producer or an importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
1. Light Soda Ash (Imported from U.K.)	Bombay Rs. 23—14—0 per cwt. ex-godown/ F.O.R. Calcutta Rs. 23—10—0 per cwt. ex-godown/ F.O R. Madras Rs. 23—10—0 per cwt. ex-godown F.O.R. Gauhati Rs. 28—4—0 per cwt. ex-godown F.O.R. Dhubri Rs 27—12—0 per cwt. ex-godown F.O.R.	The price specified in column 2 *plus* (a) actual railway freight by goods train or actual transport charges by sea from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas eight per bag of 1 cwt.	The price specified in column 3 *plus* a margin not exceeding annas eight per bag of 1 cwt.	The price specified in column 4 *plus* a margin not exceeding Rs. 1—12—0 per bag of 1 cwt.
2. Light Soda Ash (Indegenous).	Mithapur Rs. 22—5—0 per cwt. ex-works./ Dharangadhara Rs. 22—5—0 per cwt. ex-works.	Do ...	Do ...	Do
3. Heavy Soda Ash (Imported from U.K.)	Bombay Rs. 23—14—0 per cwt. ex-godown/ F.O R. Calcutta Rs. 23—10—0 per cwt. ex-godown F.O.R. Madras Rs. 23—10—0 per cwt. ex-godown F.O.R.	Do ...	Do ...	Do
4. Khewra (Pakistan) Soda Ash.	Rs. 30—11—0 per cwt. F.O.R. India / Pakistan border.	Do ...	Do ...	Do
5. Magadi Soda Ash (Imported).	Bombay Rs. 19—14—0 per cwt. ex-godown F.O.R. Calcutta Rs. 19—10 0 per cwt. ex-godown F.O.R. Madras Rs. 19—8—0 per cwt. ex-godown/ F.O.R.	Do ...	Do ...	Do

NOTE.—These prices are exclusive of local taxes such as Sales Tax, Octroi, etc., which may be charged extra.

C. R. NATESAN,

Deputy Secretary to Government of India.

NOTIFICATION. 669

No. C. 1823, dated Bangalore, 8—10th March 1952.

Ordered that the accompanying Notification No. PC-7 (8)—50, dated the 16th February 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950, (LXX of 1950) be republished in the *Mysore Gazette* for the information of general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 16th February 1952.

ORDER.

No. PC-7 (8)—50. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950, (LXX of 1950) and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O.—720, dated the 12th May 1951, the Central Government hereby fixes in the Schedule annexed hereto the maximum prices of certain varieties of Caustic Soda which may be charged by dealers and producers.

SCHEDULE. 645

1	2	3	4	5
Variety of Caustic Soda	Maximum price that may be charged by an importer in certain specified localities	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
1. Caustic Soda (Solid) 98/99 per cent 1 cwt. drums (imported from U.K.)	Bombay Rs. 40—12—0 per cwt. F.O.R, Calcutta Rs. 40—8—0 per cwt. F.O.R. Madras Rs. 40—8—0 per cwt. F.O.R.	The price specified in column 2 *plus* (a) actual railway freight by goods train or actual transport charges by sea from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in column 3 *plus* a margin not exceeding annas eight per cwt.	The price specified in column 4 *plus* a margin not exceeding Rs. 1—12—0 per cwt.
2. Caustic Soda (solid) 99/100 per cent 661 lbs. drums (Imported from U.K.)	Bombay Rs. 40—8—0 per cwt. F.O.R. Calcutta Rs. 40—4—0 per cwt. F.O.R. Madras Rs. 40—4—0 per cwt. F.O.R.	Do	Do	Do
3. Caustic Soda (Solid) 98/99 per cent 4661 lbs. drums (Imported from U.K.)	Bombay Rs. 38—0—0 per cwt. F.O.R. Calcutta Rs. 37—12—0 per cwt. F.O.R. Madras Rs. 37—12—0 per cwt. F.O.R. Gauhati Rs. 42—11—0 per cwt. F.O.R. Dhubri Rs. 42—2—0 per cwt. F.O.R.	Do	Do	Do

NOTE.—These prices are exclusive of local taxes, such as Sales-tax, Octroi, etc., which may be charged extra.

C. R. NATESAN,

Deputy Secretary to the Government of India.

NOTIFICATION. 646

No. L.S. 5240—L.W. 162-51-15, dated Bangalore, 24th March 1952.

Whereas by Order No. L.S. 2660—L.W. 162-51-7, dated 30th October 1951 made by the State Government an Industrial Dispute between the Workers and the Management of the Mysore Lac and Paint Works, Ltd., Mysore, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1073—L.W. 68-51-2, dated 15th June 1951;

And whereas His Highness the Maharaja of Mysore is of opinion that further items of dispute specified in the schedule below, between the same parties, should also be referred to the Tribunal for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), His Highness the Maharaja hereby refers the said further items of dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951:—

SCHEDULE.

1. Whether the dismissal of the thirty-nine workmen noted below with effect from 1st October 1951 is valid and justifiable and if not whether the said workmen are not entitled to be reinstated in their jobs?

2. To what compensation or consequential relief, if any, they are entitled?

1 Channiah
2 Pyarejan
3 Madaiah
4 Thimmaiah
5 Chamiah, M C
6 Hanumaiah
7 Siddaiah, A
8 Maddiah, P
9 Ranga
10 Javaraiah, B
11 Ghouse Peer
12 Subbaiah
13 Veerabhadriah
14 Krishnaiah
15 Ghouse Peer, S
16 Lakshmiah
17 Javariah, P
18 Malla
19 Siddaiah
20 Venkatesh
21 Puttaswami
22 Ram Prasad
23 Bommiah
24 Sivaji Rao
25 Hari Singh
26 Sanna
27 Thollasamma
28 Rangamma, M
29 Siddamma, B
30 Rangamma, S
31 Narasamma
32 Siddamma, E
33 Lakshmamma
34 Lakshmamma, H
35 Nagamma
36 Sanjeevamma
37 Yellamma
38 Puttabasava
39 Lingaiah

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.697

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L. 14835—Ml. 82-51-26, dated Bangalore, 17th March 1952.

In exercise of the powers conferred by Section 48 (1)(*b*) (iii) read with Section 161 and Schedule XIII of the Mysore Town Municipalities Act, 1951, (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *model bye-laws* for regulating the licensing of Shaving and Hair-Dressing Saloons within the limits of Town Municipalities in the State :—

BYE-LAWS FOR SHAVING AND HAIR-DRESSING SALOONS.

1. (*a*) Any person wishing to use any premises as a barber shop or hair-dressing saloon within the limits of a municipality shall apply for a license to the President of the municipal Council, who may grant the license applied for, or require the applicant to effect such improvements as in the President's opinion are necessary, before his application can be considered or may refuse to grant the license if, in his opinion, the premises are unsuitable for the purpose.

(*b*) Applications shall be made to the President within one month of the commencement of each official year for renewal of all licenses granted under these bye-laws.

2. No person shall use any premises as a barber shop or hair-dressing saloon unless they have a floor space of not less than 10 ft. by 8 ft. and a height of not less than 10 ft. with proper lighting and ventilation and unless they are constructed of masonry or of such other materials as may be approved by the President, in consultation with the District Health Officer and every part thereof is constructed of non-inflammable material.

3. Each barber shall display his license in a conspicuous part of his shop so that it may be readily seen by the public.

4. Every person in charge of such premises shall cause every part of the floor in such premises be paved or otherwise made impervious and such flooring shall at all times be kept in good order and repair. He shall cause every part of the walls of the premises to be lime-washed at least twice in a year in the months of April and October or more often, if so required by the President.

5. All basins for washing and all sinks and washing places on the premises shall be efficiently drained by pipes which shall, if necessary be trapped and connected to the municipal drain.

6. The floor shall be swept at least three times a day (1) before commencement of the work, (2) at noon, and (3) at the close of each day's work followed by a wash with a disinfectant solution.

7. All tables and other articles of furniture thall have smooth and even surfaces and shall be washed and cleaned daily and kept free from accumulations of hair, dirt and filthy substances.

8. All hair and sweepings shall be collected at frequent intervals and deposited in moveable sanitary bin made of galvanised iron or other equally suitable and impervious material with a close fitting covering lid and emptied into the municipal dust-bin as often as necessary.

9. Within or adjoining the premises, a washing place with sufficient water shall be provided and any vessel utilised for the storage of water shall be kept scrupulously cleaned and covered with mosquito proof covers.

10. The premises shall be provided with means for securing a supply of boiled water for the purpose of sterilising implements and washing the appliances in daily use.

11. Razors and other instruments used for a customer shall be rendered safe immediately after such use by being thoroughly cleaned and dipped for at least two minutes in boiling water or in a disinfecting solution as may be approved by the Municipal President in consultation with the District Health Officer.

12. Every shaving mug and brush shall be thoroughly rinsed in hot water or other disinfecting solution as may be approved by the President after each occasion they are used during the course of the day. No shaving stick or soap shall be directly applied to the face for shaving.

13. At the end of each day every brush, towel, apron, comb and other implements used in the premises shall be sterilised by being immetrsed in boiling water or disinfected in such manner as may be approved by the President in consultation with the District Health Officer.

14. Alum or any other similar material used to stop the flow of blood shall be applied in powdered or liquid form only. No person shall use powder puffs, lump alum, sponge or finger bowls in a barber shop or hair-dressing saloon.

15. Utmost cleanlinesss shall be observed by the barbers in their work. They shall wear clean clothes and wash their hands thoroughly with soap and water after serving each customer. The hands of a barber or operator shall, after the customer is served, in addition to being washed with soap and water, be dipped for not less than two minutes in such disinfectant as may be approved by the District Health Officer.

16. No barber who is suffering from an infectious skin disease or any other infectious ailment shall be allowed to attend customers or to be present on the licensed premises.

17. No leper or any other person suffering from any visible skin disease, open-sore or any loathsome or dangerous disease shall be adimitted or be served in such premises.

18. Each shop or saloon shall keep for daily use not less than six towels and six aprons.

19. Whoever commits a breach of any of the above bye-laws shall, on conviction, be punished with fine which may extend to Rupees fifty.

By Order of His Highness the Maharaja.

No. L. 14989—Ml. 82-51-25, dated Bangalore, 17th March 1952.

In exercise of the powers conferred by Section 46 (1)(*b*) read with Section 80 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following model Rules prescribing the fees to be charged

for licenses granted for regulating the use of any place as Shaving or Hair Dressing Saloon within the limits of Town Municipalities in the State :—

RULES FOR THE GRANT OF LICENSES FOR SHAVING AND HAIR-DRESSING SALOONS.

1. A fee of one rupee shall be paid along with the application for the grant of a license to the person who wishes to use any premises as a barber shop or hair dressing saloon.

2. The license is renewable every year and a renewal fee of one rupee shall be paid for the renewal of the license for the period commencing from the 1st April of every year.

3. No refund of the fee paid shall be made under any circumstances, provided that when the application for the grant or renewal of a license is rejected, the fee paid shall be refunded.

By Order of His Highness the Maharaja.

No. L. 15275—C.M. 31-51-6, dated Bangalore, 20th March 1952.

In exercise of the powers conferred by Section 8 (2) of the Mysore Amusement Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja is pleased to exempt from liability to entertainments tax, as a special case, the benefit morning show at Super Talkies, Bangalore City, on 23rd March 1952 arranged in aid of the bi-weekly paper 'Koogoo.'

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L.S. 5120—L.W. 315-51-2, dated Bangalore, 19th March 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to exempt the dramatic association known as "Sesha Kamala Kala Mandali", Mysore, from

the provisions of Section 13 (1) of the Shops and Establishments Act and to permit the continuance of performances till 2-30 A.M. by the said dramatic association.

By Order of His Highness the Maharaja,

No. L.S. 5130—L.W. 317-51-4, dated Bangalore, 19th March 1952.

In pursuance of Clause (*b*) of Rule 4 of the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, His Highness the Maharaja of Mysore is pleased to recognise the following Institutions for purposes of the said Rule :—

(1) School of Training of Labour Welfare Workers, Bombay ;

(2) Tata School of Social Science, Bombay ; and

(3) University of Calcutta (in respect of Diploma in Social Science—Labour Welfare).

By Order of His Highness the Maharaja,

No. L.S. 5759—L.W. 29-51-28, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (*a*) of sub-section (1) of Section 3 read with clause (*iii*) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees in any Rice Mill, Flour Mill or Dhall Mill specified in the Schedule annexed hereto, the proposals in respect of the same having been previously published as required by clause (*b*) of sub-section (1) of Section 5 of the said Act.

This notification shall come into force on and from the date of the issue of this notification.

SCHEDULE.

Serial No.	Category of Employees	All inclusive minimum rates of wages per day
1	2	3
		Rs. a. p.
1	Machine Drivers Mechanics ...	1 12 0
2	Measurers	1 4 0
3	Carriers of Rice and Paddy ...	1 0 0
4	Coolies Men	1 0 0
5	Do Women	0 12 0
6	Huller Men	1 4 0
7	Boiler Attenders	2 0 0
8	Do Helpers	1 0 0
9	Maistries	1 8 0
10	Watchmen	1 0 0

By Order of His Highness the Maharaja,

No. L.S. 5263—L.W. 29-51-29, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (*a*) of sub-section (1) of Section 3 read with Clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees in any Oil Mill specified in the Schedule annexed hereto, the proposals in respect of the same having been previously published as required by Clause (*b*) of sub-section (1) of Section 5 of the said Act.

This notification shall come into force on and from the date of issue of this notification.

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SCHEDULE.

Serial No.	Class of employees		All-inclusive minimum rates of wages (daily or monthly)
1	2		3
			Rs. a. p.
1	Cake Carriers	...	1 0 0
2	Coolies—Men	...	1 0 0
3	Do Women	...	0 12 0
4	Expeller Maistries	...	50 0 0 per mensem.
5	Engine Drivers	...	50 0 0 do
6	Boiler Attenders	...	2 0 0
7	Boiler Helpers	...	1 0 0
8	Fitters	...	1 4 0
9	Watchmen	...	1 0 0 or 30 per mensem.
10	Filtermen	...	1 4 0

By Order of His Highness the Maharaja,

No. L.S. 5267—L.W. 29-51-30, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 3 read with clause (ii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees in Tanneries and Leather Manufactory specified in the schedule annexed hereto, the proposals in respect of the same having been previously published as required by Clause (b) of sub-section (1) of Section 5 of the said Act.

2. This notification shall come into force on and from the date of the issue of this notification.

SCHEDULE.

Serial No.	Categories of employees	Minimum rates of basic wages (Daily or Monthly)*		
	Part I:—Tanneries *cum* Leather Manufactories: (DAILY)			
	Lime Yard.—	Rs.	a.	p.
1	Helpers	0	10	0
2	Fleshers	0	12	0
3	Scudders	0	12	0
4	Goat-skin Knifers ...	0	12	0
	Tanning and Dyeing Department.—			
1	Helpers	0	10	0
2	Drum Boys	0	10	0
3	Shavers	1	0	0
4	Splitters	1	0	0
5	Shaving learners ...	0	10	0
6	Samming Helpers ...	0	10	0
	Setting Department.—			
1	Helpers	0	10	0
2	Setting Machine Operators ...	0	10	0
3	Hand setters ...	0	10	0
	Staking Department.—			
1	Helpers	0	10	0
2	Dusters	0	10	0
3	Stakers	0	10	0
	Straining Department.—			
1	Helpers	0	10	0
2	Strainers	0	10	0
	Finishing Department.—			
1	Helpers	0	10	0
2	Seasoners	0	10	0
3	Sprayers	0	10	0
	Finishing Machinery Department.—			
1	Helpers	0	14	0
2	Buffing Machine Operators ...	0	14	0
3	Emery Wheel Operators ...	0	14	0
4	Glazing M/C. Operators (Cow)...	0	14	0
5	Trimmers	0	14	0
6	Press Machine Operators ...	0	14	0
7	Hand Ironers ...	0	14	0
8	Boarders	0	14	0
9	Glazing Machine Operators (Glacekid).	0	14	0

* In addition to this a uniform rate of Dearness Allowance of Rs. 18 per mensem for men and Rs. 12 per mensem for women and children shall be paid.

Serial No.	Categories of employees	Minimum rates of basic wages (Daily or Monthly)*
	Foundry Department.—	Rs. a. p.
1	Helpers	0 10 0
2	Fitters	0 12 0
3	Drivers	1 0 0
4	Masons	0 14 0
5	Carpenters	0 14 0
6	Fitter and Driver learners ...	0 10 0
	Barn Yard Department.—	
1	Beemers	0 10 0
2	Setters	0 10 0
	General.—	
1	Maistries	30 0 0 per month
2	Clerks	30 0 0 do
3	Watchmen	25 0 0 do
	PART II.—Other Tanners.	
1	Nanu (soaking in water first and then in lime).	0 10 0 per pit.
2	Mudi (removing hair) ...	0 10 0 per pit of 30 to 50 pieces.
3	Chella (Fleshing)	0 10 0 per pit of 14 pieces.
4	Patta Thotti (or Bark tank) (mainly boys employed).	0 10 0 per unit of 6 pits (300 pieces-handling)
5	Kadaka (soaking in "Myrobalam) ...	0 10 0 (handling 25 pieces per unit).
6	Oiling (Honge oil)	0 10 0 Do
7	Thana (Finishing)	0 10 0 per unit of 10 pieces.

* In addition to this a Dearness Allowance of Rs 18 per mensem for men and Rs. 12-12-0 for women and children shall be paid.

The casual workers shall be paid an all-inclusive wages of Re. 1 per day.

By Order of His Highness the Maharaja,

No. L.S. 527/—L.W. 29-51-31, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 3 read with Clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees in the Plantations specified in the Schedule annexed hereto, the proposals in respect of the same having been previously published as required by Clause (b) of sub-section (1) of Section 5 of the said Act.

This notification shall come into force on and from 1st April 1952.

SCHEDULE.

Sl. No.	Class of employees	Basic rate of wages	Dearness allowance	*All-inclusive rate of wages
I	II	III	IV	V
		Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Men	0 10 0	0 6 0	1 0 0
2	Women	0 9 0	0 4 0	0 13 0
3	Adolescents	0 7 0	0 3 0	0 10 0
4	Children	0 6 0	0 3 0	0 9 0

NOTE.—(1) The Quantum of Dearness Allowance in future shall be regulated on this basis, namely, that for every 12 points of rise or fall in the cost of Living Index Figure, the enhancement or reduction of Dearness Allowance will be as follows :—

Men	Six pies.
Women	Four pies.
Adolescent	Four pies.
Children	Three pies.

NOTE—(2) So long as the cost of Living Index figures were not compiled separately for the Plantation areas, the figures relating to Mysore City would apply to all Plantations in calculating Dearness Allowance, and that when the figures came to be compiled for either Chikmagalur or Hassan such figures would become applicable instead.

*These rates do not affect the existing amenities provided to workers, such as free-housing, free-medical-aid and free supply of fuel, one Kambly a year, one-way Passage money for them to go home and back and the cash value of concessions in respect of supplies of essential commodities, if any.

By Order of His Highness the Maharaja,

No. L.S. 5275—L.W. 29-51-33, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (*a*) of sub-section (1) of Section 3 read with Clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees on road construction or building operations specified in the Schedule annexed hereto, the proposals in respect of the same having been previously published as required by Clause (*b*) of sub-section (1) of Section 5 of the said Act.

This notification shall come into force on and from the date of the issue of this notification.

SCHEDULE.

Sl. No.	Category of Employees	Minimum all-inclusive daily rate of wages		
		Rs.	a.	p.
1	Driver (Road Roller and Concrete Mixer, etc.,) ...	2	8	0
2	Driver—Engine Static	2	8	0
3	Fitter	2	8	0
4	Blacksmith	2	0	0
5	Carpenter	2	8	0
6	Brick-layer	2	0	0
7	Brick Mason	2	8	0
	Stone Mason			
8	Painter (Polisher)	2	8	0
9	Pipe-line Fitter	2		0
10	Sawyer	2	0	0
11	Hammerman	1	8	0
12	Operator—Pneumatic tools	2	0	0
13	Coolies—Men	1	0	0
	Women	0	12	0
	Children	0	10	0

By Order of His Highness the Maharaja,

No. L.S. 5279—L.W. 29-51-33, dated Bangalore, 25th March 1952.

In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 3 read with Clause (iii) of sub-section (1) of Section 4 of the Minimum Wages Act, 1948, (XI of 1948), His Highness the Maharaja of Mysore is pleased to fix hereby the minimum rates of wages which shall be payable to the classes of employees in stone-breaking or stone-crushing specified in the Schedule annexed hereto, the proposals in respect of the same having been previously published as required by Clause (b) of sub-section (1) of Section 5 of the said Act.

This notification shall come into force on and from the date of the issue of this notification.

SCHEDULE.

Serial No.	Category of employees	Minimum all-inclusive daily rates of wages
		Rs. a. p.
1	Drivers (Engine Static) ...	3 0 0
2	Maistries	2 0 0
3	Blasters	3 0 0
4	Blacksmiths	2 0 0
5	Stone-breakers	2 0 0
6	Metal (Jelly) Crushers—(Men or Women).	1 4 0
7	Coolies—Men	1 0 0
	Women	0 12 0
	Children	0 10 0

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

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(EXTRAORDINARY)

BANGALORE, THURSDAY, MARCH 27, 1952.

NOTIFICATION.

No. E.B. 18810—Eln. 180-51-5, dated Bangalore, 27th March 1952.

In exercise of the powers conferred by Section 56 of the Representation of the People Act, 1951 (Central Act No. XLIII of 1951), His Highness the Maharaja of Mysore is pleased to fix the hours from 9 A.M. to 5 P.M. to be the hours, during which the poll shall be taken, at the elections to be held in every Local Authorities' Constituency, the Graduates' Constituency and the Teachers' Constituency, in the State of Mysore, to fill the seats in the Legislative Council of the State.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV.

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION

No. L.D. 2232—Legis. 4-51-94, dated Bangalore, 29th February 1952.

Ordered that the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (Central Act No. IX of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 25th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA 66(

MINISTRY OF LAW.

(Received the assent on 23rd February 1952.)

THE INDIAN INDEPENDENCE PAKISTAN COURTS (PENDING PROCEEDINGS) ACT 1952 (IX OF 1952).

AN

ACT

to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.

2. *Definition.*—In this Act, the expression "decree to which this Act applies" means any such judgment, decree or order as is referred to in—

(*i*) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(*ii*) paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or

(*iii*) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947,

which has been or may hereafter be passed by a court in Pakistan and which imposes any liability or obligation on a Government in India.

3. *Certain Pakistan decrees not to be given effect to in India.*—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4. *Right of holder of a decree to which this Act applies to institute fresh proceedings in India.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Act applies has been passed may, within one year from the commencement of this Act, or within one year from the date of the decree, whichever is later, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

5. *Repeal of Ordinance VI of 1951.*—(1) The Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951 (VI of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 662

No. L.D. 2378—Legis. 4-51-120, dated Bangalore, 19th March 1952.

Ordered that the Contempt of Courts Act, 1952 (Central Act No. XXXII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 14th March 1952.

THE CONTEMPT OF COURTS ACT, 1952.
(XXXII of 1952).

AN

ACT

to define and limit the powers of certain courts in punishing contempts of courts.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Contempt of Courts Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definition.*—In this Act, "High Court" means the High Court for a Part A State or a Part B State, and includes the Court of the Judicial Commissioner in a part C State.

3. *Power of High Court to Punish contempts of subordinate courts.*—(1) Subject to the provisions of sub-section (2), every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself.

(2) No High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (Act XLV of 1860).

4. *Limit of punishment for contempt of court.*—Save as otherwise expressly provided by any law for the time being in force, a contempt of court

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may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court:

Provided further that notwithstanding anything elsewhere contained in any law for the time being in force, no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a court subordinate to it.

5. *Power of High Court to try offences committed or offenders found outside jurisdiction.*—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction and whether the person alleged to be guilty of the contempt, is within or outside such limits.

6. *Repeals and savings.*—(1) The Contempt of Courts Act, 1926 (XII of 1926), and the enactments specified in the Schedule are hereby repealed.

(2) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal of any of the laws specified in the Schedule as it applies to the repeal of the Contempt of Courts Act, 1926 (XII of 1926).

THE SCHEDULE

(*See* section 6)

Short title and description of enactment	*Extent of repeal*
1. The Contempt of Courts Act, IV of 1355F., as in force in the State of Hyderabad.	The whole
2. The Indore Contempt of Courts Act No. V of 1930, as in force in the State of Madhya Bharat.	The whole
3. The Contempt of Courts Act, Gwalior State, Samvat 2001, as in force in the State of Madhya Bharat.	The whole
4. The Contempt of Courts Act, 1930 (XI of 1930), as in force in the State of Mysore.	The whole
5. The Contempt of Courts Act, S. 1991 (V of S. 1991), as in force in the Patiala and East Punjab States Union.	The whole
6. The Patiala and East Punjab States Union Judicature Ordinance, S. 2005 (X of S. 2005).	Section 33
7. The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Rajasthan before the commencement of this Act.	The whole
8. The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Saurashtra before the commencement of this Act.	The whole
9. The High Court of Judicature Saurashtra State Ordinance, 1948 (Saurashtra Ordinance II of 1948).	Section 31
10. The Cochin Contempt of Courts Act (XXXII of 1111), as in force in the State of Travancore-Cochin.	The whole

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 669

No. L-D. 2379—Legis. 4-51-121, dated Bangalore, 19th March 1952.

Ordered that the Territorial Army (Amendment) Act, 1952, (Central Act No. XXXIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 14th March 1952.

THE TERRITORIAL ARMY (AMENDMENT) ACT, 1952. (XXXII of 1952).

AN

ACT

further to amend the Territorial Army Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Territorial Army (Amendment) Act, 1952.

2. *Insertion of new sections 7A and 7B in Act LVI of 1948.*—After section 7 of the Territorial Army Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

"7A. *Reinstatement in civil employ of persons required to perform military service.*—(1) It shall be the duty of every employer by whom a person who is required to perform military service under section 7 was employed to reinstate him in his employment on the termination of the military service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted :

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed, pass an order—

(*a*) exempting the employer from the provisions of this section, or

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(*b*) requiring him to re-employ such person on such terms as he thinks suitable, or

(*c*) requiring him to pay to such person by way of compensation for failure or inability to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of his military service.

(4) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually required to perform military service under secton 7, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of orders requiring him to perform military sevice under this Act.

7B. *Preservation of certain rights of persons required to perform military service.*—When any person required to perform military service under section 7 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, so long as he is engaged in military service and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed."

8. *Amendment of section 14, Act LVI of 1948.*—In sub-section (2) of section 14 of the principal Act, after clause (*d*), the following clauses shall be inserted, namely:—

"(*dd*) specify the authority for the purpose of the proviso to sub section (1) of section 7A and the manner in which any inquiry may be held by him;

(*ddd*) define the rights under section 7B;"

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 666

No. L.D. 2380—Legis. 4-51-122, dated Bangalore, 19th March 1952.

Ordered that the Preventive Detention (Amendment) Act, 1952, (Central Act No. XXXIV of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 14th March 1952.

THE PREVENTIVE DETENTION (AMENDMENT) ACT, 1952. (XXXIV of 1952).

AN

ACT

further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Preventive Detention (Amendment) Act, 1952.

2. *Amendment of section 1, Act IV of 1950.*—In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the word "April" the word "October" shall be substituted.

3. *Validity and duration of detention in certain cases.*—Every detention order confirmed under section 11 of the principal Act and in force immediately before the commencement of this Act shall have effect as if it had been confirmed under the provisions of the principal Act as amended by this Act; and accordingly, where the period of detention is either not specified in such detention order or specified (by whatever form of words) to be for the duration or until the expiry of the principal Act or until the 31st day of March, 1952, such detention order shall continue to remain in force for so long as the principal Act is in force, but without prejudice to the power of the appropriate Government to revoke or modify it at any time.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 667

No. L.D. 2231—Legis. 4-51-93, dated Bangalore, 29th February 1952.

Ordered that the Foreign Exchange Regulation (Amendment) Act, 1952 (Central Act No. VIII of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 25th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 23rd February 1952.

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ACT, 1952 (VIII OF 1952).

AN

ACT

further to amend the Foreign Exchange Regulation Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1952.

2. Amendment of section 1, Act VII of 1947.—In section 1 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely :—

"It shall remain in force up to the thirty-first day of December, 1957."

3. Amendment of section 2, Act VII of 1947.—In section 2 of the principal Act, clause (*o*) shall be omitted.

4. Amendment of section 8, Act VII of 1947.—In section 8 of the principal Act, sub-section (3) shall be omitted.

5. Amendment of section 12, Act VII of 1947.—In sub-section (1) of section 12 of the principal Act, for the words "prohibit the export" the words "prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export)" shall be substituted.

6. Substitution of new section for section 18 in Act VII of 1947.—For section 18 of the principal Act, the following section shall be substituted, namely :—

"18. *Certain provisions as to companies.*—(1) Where there is served on any person resident in the States a notice in writing that

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the Central Government or the Reserve Bank wishes any such requirements as are hereinafter mentioned to be complied with by any such company as is specified in *Explanation I* [hereafter in this sub-section and in sub-section (2) referred to as a foreign company] and that person can by doing or refraining from doing any act—

(*a*) cause the foreign company to comply with any of the requirements, or

(*b*) remove any obstacle to the foreign company complying with any of the requirements, or

(*c*) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Central Government or, as the case may be, by the Reserve Bank, that person shall do or, as the case may be, refrain from doing that act.

(2) The requirements with respect to which a notice under sub-section (1) may be given are as follows, that is to say, the foreign company shall—

(i) furnish to the Central Government or, as the case may be, to the Reserve Bank such particulars as to its assets and business as may be mentioned in the notice ;

(ii) sell or procure the sale to an authorised dealer of any foreign exchange mentioned in the notice, being foreign exchange which it is entitled to sell or of which it is entitled to procure the sale ;

(iii) declare and pay such dividend as may be mentioned in the notice ;

(iv) realise any of its assets mentioned in the notice in such manner as may be so mentioned ;

(v) refrain from selling or transferring or doing anything which affects its rights or powers in relation to any such instruments or securities as may be mentioned in the notice.

(3) Except with the general or special permission of the Reserve Bank, no person resident in the States shall do any act whereby a company which is controlled by persons resident in India ceases to be so controlled.

(4) Except with the general or special permission of the Reserve Bank, no person resident in the States shall lend any money either to any company (other than a banking company) which is controlled directly or indirectly by persons resident outside India elsewhere than in the territories notified in this behalf by the Reserve Bank or to any such person.

Explanation I.—The companies referred to in sub-section (1) are companies not incorporated under any law in force in the States in the case of which any of the following conditions is fulfilled :—

(*a*) that the company is by any means controlled (directly or indirectly) by persons resident in the States ; or

(*b*) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States ; or

(*c*) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States ; or

(*d*) that more than one-half—

(i) of the interest payable on its loans and loan capital, if any, or

(ii) of the dividends payable on its preference share capital, if any, or

(iii) of the dividends payable on its share capital, if any, not being preference share capital,

is receivable directly or indirectly by, or for the benefit of, persons resident in the States.

Explanation II.—Where the identity of the persons by whom, or for whose benefit, any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by any person resident in the States of a power vested in him in that behalf, the sum, assets, interest or dividends shall, for the purposes of this sub-section, be deemed to be receivable directly or indirectly by, or for the benefit of, persons resident in the States."

7. *Amendment of section 19, Act VII of 1947.*—For sub-sections (2) and (3) of section 19 of the principal Act, the following sub-section shall be substituted, namely :—

'(2) Where for the purposes of this Act the Central Government or the Reserve Bank considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank it is possible for such person to obtain and furnish, the Central Government or, as the case may be, the Reserve Bank may, by order in writing, require any such person (whose name shall be specified in the order) to furnish, or to obtain and furnish, to the Central Government or the Reserve Bank or any person specified in the order with such information, book or other document.

(3) If on a representation in writing, made by a person authorised in this behalf by the Central Government or the Reserve Bank, a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class, has reason to believe that a contravention of any of the provisions of this Act has been, or is being or is about to be committed in any place,

or that a person to whom an order under sub-section (2) of this section has been or might be addressed, will not or would not produce the information, book or other document,

or where such information, book or other document is not known to the Magistrate to be in the possession of any person,

or where the Magistrate considers that the purposes of any investigation or proceeding under this Act will be served by a general search or inspection,

he may issue a search warrant and the person to whom such warrant is directed may search or inspect in accordance therewith and seize any book or other document, and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to searches under that Code shall, so far as the same are applicable, apply to searches under this sub-section :

Provided that such warrant shall not be issued to any police officer below the rank of Sub-Inspector.

Explanation.—In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.'

8. *Amendment of section 23, Act VII of 1947.*—In sub-section (3) of section 23 of the principal Act, after the words "or the Reserve Bank" the words "by a general or special order" shall be inserted.

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9. Insertion of new sections 23A and 23B in Act VII of 1947.—After section 23 of the principal Act, the following sections shall be inserted, namely :—

"23A. *Application of Sea Customs Act, 1878.*—Without prejudice to the provisions of section 23 or to any other provision contained in this Act, the restrictions imposed by sub-sections (1) and (2) of section 8, sub-section (1) of section 12 and clause (*a*) of sub-section (1) of section 13 shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall therein the word 'may' were substituted.

23B. *Attempts.*—Whoever attempts to contravene any of the provisions of this Act or of any rule, direction or order made thereunder shall be deemed to have contravened that provision, rule, direction or order, as the case may be."

10. Amendment of section 24, Act VII of 1947.—Section 24 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) Where any person is prosecuted for contravening the provision of sub-section (3) of section 4, the burden of proving that the foreign exchange acquired by such person has been used for the purpose for which permission to acquire it was granted shall be on him."

11. Insertion of new section 24A in Act VII of 1947.—After section 24 of the principal Act, the following section shall be inserted, namely :—

"24A. *Presumption as to documents in certain cases.*—Where any document is furnished by any person under sub-section (2) of section 19, or has been seized under sub-section (3) of that section from the custody or control of any person, and such document is tendered by the prosecution in evidence against him, the court shall, unless the contrary is proved by any such person, presume—

(*a*) the truth of the contents of such document ;

(*b*) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested."

12. Repeal of Ordinance X of 1951.—(1) The Foreign Exchange Regulation (Amendment) Ordinance, 1951 (X of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 671

No. L.D. 2338—Legis 4-51-103, dated Bangalore, 12th March 1952.

Ordered that the Industrial Disputes (Amendment) Act, 1952 (Central Act No. XVIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 5th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 4th March 1952.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1952 (XVIII OF 1952).

AN

ACT

further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Industrial Disputes (Amendment) Act, 1952.

2. *Amendment of section 2, Act XIV of 1947.*—To clause (*i*) of section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following proviso shall be added, namely :—

"Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company."

3. *Amendment of section 10, Act XIV of 1947.*—In section 10 of the principal Act,—

(*a*) in sub-section (1)—

(*i*) for the words "If any industrial dispute exists or is apprehended, the appropriate Government may" the words "Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time" shall be substituted;

(*ii*) in clause (*c*), after the words "refer the dispute" the words "or any matter appearing to be connected with, or relevant to, the dispute" shall be inserted; and

(*b*) after sub-section (3), the following sub-sections shall be inserted, namely :—

"(4) Where in an order referring an industrial dispute to a Tribunal under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, the Tribunal shall confine its adjudication to those points and matters incidental thereto.

(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a Tribunal under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments."

4. *Amendment of section 20, Act XIV of 1947.*—In sub-section (3) of section 20 of the principal Act, for the words, figures and brackets "when the award is published by the appropriate Government under section 17, or where an award has been laid before the Legislative Assembly or the House of the People under the proviso to sub-section (2) of section 15, when the resolution of the Legislative Assembly or the House of the People thereon is passed", the words, figures and letter "on the date on which the award becomes enforceable under section 17A" shall be substituted.

5. *Repeal of ordinance IX of 1951.*—(1) The Industrial Disputes (Amendment) Ordinance, 1951 (IX of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 673

No. L.D. 2337—Legis. 4-51-102, dated Bangalore, 12th March 1952.

Ordered that the Control of Shipping (Amendment) Act, 1952 (Central Act No. XVII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 5th March 1952, be republished in the *Mysore Gezette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received assent on 4th March 1952).

THE CONTROL OF SHIPPING (AMENDMENT) ACT, 1952 (XVII OF 1952).

(AS PASSED BY PARLIAMENT)

AN

ACT

further to amend the Control of Shipping Act, 1947.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Control of Shipping (Amendment) Act, 1952.

2. *Amendment of section 1, Act XXVI of 1947.*—In sub-section (3) of section 1 of the Control of Shipping Act, 1947 (XXVI of 1947), for the figures "1952" the figures "1954" shall be substituted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 679

No. L.D. 2441—Legis. 4-51-128, dated Bangalore, 27th March 1952.

Ordered that the Criminal Tribes Laws (Repeal) Act, 1952 (Central Act No. XXIV of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

(Received assent of the President on 6th March 1952.)

THE CRIMINAL TRIBES LAWS (REPEAL) ACT, 1952
(No. XXIV OF 1952.)

An Act to provide for the repeal of the Criminal Tribes Act, 1924, and certain other laws corresponding thereto.

Be it enacted by Parliament as follows :—

1. Short title, extent and commencement.—
   (1) This Act may be called the Criminal Tribes Laws (Repeal) Act, 1952.
   (2) It extends to the whole of India except the State of Jammu and Kashmir.
   (3) It shall come into force immediately.

2. Repeal of Act VI of 1924 and corresponding laws.—

The Criminal Tribes Act, 1924 (VI of 1924) and every other law corresponding thereto in force in any State or part thereof shall stand repealed on the 31st day of August 1952, but the Central Government may, by notification in the Official Gazette, declare that the said Act or any corresponding law shall stand repealed in any State or part thereof with effect from any earlier date.

K. V. K. SUNDARAM,
Secretary to the Government of India.

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PART IV 675

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 1897, dated Bangalore, 25th March 1952.

Ordered that the accompanying Notification No. 3 (2)-PC/52, dated the 10th March 1952 of the Government of India, Ministry of Commerce and Industry issued under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for the information of the general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 10th March 1952.

No. 3 (2)-PC./52.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendments shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 499, dated the 2nd September 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely:—

1. In the Schedule annexed to the said Notification after the entry relating to the 'Hercules India Bicycle' the following entry shall be inserted namely :—

"Eastern Star Bicycle" ... Rs. 177-0-0 per bicycle.

(2) In the proviso to the said schedule after clause (*b*) the following clause shall be added at the end namely :—

(*c*) in the case of a Eastern Star Bicycle—

(1) the maximum price is inclusive of the costs of the saddle but exclusive of the cost of accessories such as stand carrier, tool box and light,

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(2) the maximum price at any place other than Sonepet (Punjab) may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Sonepet to the place of sale.

(3) The maximum price specified in column 2 is exclusive of any sales-tax, octroi and any other local tax impost or cess which may be charged extra.

C. R. NATESAN,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.D. 2442--Legis. 5-51-113, dated Bangalore, 27th March 1952.

Ordered that Notification No. S.R.O. 348, dated the 1st March 1952 of the Ministry of Commerce and Industry amending the Cotton Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 1st March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 1st March 1952.

No. S. R.O. 348.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Control Order, 1950, namely :—

In the said Order :—

(*a*) in clause 9, in the 'exception' after part (*b*) the following part shall be inserted namely—

"(*c*) to any transaction of sale or purchase of cotton authorised in writing by the licensing authority."

(*b*) in clause 5 of Form 'A' in the first paragraph after the words and letter "a 'B' class licensee" the words and letter "or a 'C' class licensee" shall be inserted.

[No. 44 (25)-CT(A)/52(XIX).]

S. A. TECKCHANDANI,
Under Secretary to Govt. of India.

NOTIFICATION. 672

No. C. 1819, dated Bangalore, 10th March 1952.

Ordered that the accompanying Notification No. 10 (I)-PC—50 dated the 18th February 1952, of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950, be republished in the *Mysore Gazette*, for the information of the general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 18th February 1952.

No. 10 (i) PC—50. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 579, dated the 21st April 1951, namely :—

For the schedule annexed to the said Notification, the following Schedule shall be substituted, namely :—

SCHEDULE.

Goods		*Maximum price*
(1)		(2)
(*a*) Crude, conforming to the following specification:—	...	Rs. 2,500 per ton
Moisture	...	Not more than 10 per cent.
Fat	...	Not more than 2·5 per cent calculated on moisture free basis.
Ash	...	Not more than 7 per cent calculated on moisture free basis.
Nitrogen	..	Not less than 13·0 per cent on fat, moisture and ash free basis.
Total acidity	...	Not more than 14·0 c.c. of N/10 alkali per gramme calculated on moisture, ash and fat free basis.

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(*b*) Finest refined quality, conforming to the following specifications :— Rs. 2,800 per ton.

Colour	...	White or light cream
Odour	...	Nearly odourless with not more than a trace of sourness.
Moisture	...	Not more than 10 per cent.
Fat	...	Not more than 1 per cent calculated on moisture free basis.
Ash	...	Not more than 4 per cent calculated on moisture free basis.
Nitrogen	...	Not less than 14·25 per cent calculated on moisture, ash and fat free basis.
Total acidity	...	Not more than 10·5 c.c. of N/10 alkali per gramme calculated on moisture, fat and ash free basis.

NOTE.—The term "Casein" used in the specifications referred to the principle protein present in milk prepared by treating skimmed milk with dilute acid like acidic or hydrochloric acid or precipitation by lactic acid formed by bacterial action from the Lactose present in the milk. The separated Casein is washed, pressed, dried and ground to powder.

C. R. NATESAN,
Dy. Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV. 679

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1—L.A. 1-52-1, dated Bangalore, 1st April 1952.

The following order by the Rajpramukh dated 24th March 1952, is published for general information :—

" In exercise of the powers vested in me under Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, do hereby prorogue the March Session, 1952 of the Legislative Assembly."

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV. 680

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. T. 8346—R.T. 128-51-6, dated Bangalore, 27th March 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja is pleased to direct that the Officers of the Government of Bombay be exempted from payment of tax leviable under the said Act in respect of non-transport motor vehicles used by them when they visit Jog in Mysore State, on official duty.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government
Department.

No. L.S. 5330—L.W. 330-51-4, dated Bangalore, 28th March 1952.

In exercise of the powers conferred by Section 7 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to constitute for a period of one year from 1st April 1952, a second Industrial Tribunal for the adjudication of Industrial Disputes that may be referred to it in accordance with the provisions of the said Act, and to appoint the following persons as Chairman and Member thereof:—

1 Sri A. R. Nageswara Iyer, B.A., B.L., Retired Judge, High Court of Mysore. ... ... Chairman.
2 Sri V. Kandaswami Pillai, B.A., B.L., Retired Judge, High Court of Mysore. ... ... Member.

By Order of His Highness the Maharaja,

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No. L S. 5340—L.W. 281-51-8, dated Bangalore, 23th March 1952.

In pursuance of the proviso to Rule 4 of the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, His Highness the Maharaja of Mysore is pleased to relax the qualification mentioned in clause (b) of Rule 4 of the said Rules in the case of Sri C. Srinivasan, B.A. (Hons.), Labour Welfare Officer, Sri Krishnarajendra Mills, Ltd., Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. 6164—Cts. 164-51-10 dated Bangalore, the 25th March 1952.

In exercise of the powers conferred by sub-section (1) of Section 4 of the Evacuee Interest (Separation) Act, 1951, (LXIV of 1951), His Highness the Maharaja of Mysore is pleased to appoint Sri K. Gubbiah, B A., LL.B., Subordinate Judge posted to the charge of the Court of the Subordinate Judge, Civil Station, Bangalore, in High Court Notification No. R O C. 975—51-52, dated 17th March 1952, as "Competent Officer" for the purpose of performing the functions assigned to him by or under the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), in addition to his duties as Subordinate Judge, Civil Station, Bangalore.

As Competent Officer under the above Act, Sri Gubbiah will exercise jurisdiction throughout the State of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. S.D. 1001 6 dated Bangalore 27th March 1952.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act No. XXIV of 1946) read with the Government of India, Ministry of Food Notification No. S.R.O.

703, dated the 4th October 1950, as amended by Notification No. C.G. 603(3) XXI(1), dated the 21st July 1951 and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Order issued in Notification No. S.D. 8508—C. 36-51-159, dated the 21st January 1952, namely :—

ORDER

In para 1 of the Order dated the 21st January 1952, for the words and figures " in any part of the State up to 1st May 1952 ", the words and figures " up to the 1st May 1952, in the following areas in the State, namely :—

" The districts of Hassan, Shimoga, all the taluks in Chickmagalur District except Kadur Taluk, Gubbi and Kunigal Taluks of Tumkur District, Mandya, Malavalli, Krishnarajapet and Maddur taluks of Mandya District, Mysore Taluk (except Mysore City), Hunsur, Krishnarajanagar, Nanjangud and T.-Narasipur Taluks of Mysore District, and Kankanahalli, Channapatna, Ramanagaram and Hoskote Taluks of Bangalore District " shall be substituted.

By Order of His Highness the Maharaja,

No 10145—C. 36-51-214 Bangalore, dated 28th March 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with Government of India, Ministry of Food Notification No. S.R.O. 703, dated the 4th October 1950, as amended by Notification dated the 21st July 1951, and with the concurrence of Central Government, His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the order published in Notification No. S.D. 5224—C. 69-49-13, dated 17th December 1949 *viz.*—

In clause 1 of the said order, insert the words " or polish or undertake to polish, rice " after the words " undertake to hull paddy ".

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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No. L. 15494—Ml. 82-51-29, dated Bangalore, the 27th March 1952.

In exercise of the powers conferred by Section 48 (1) (p) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following *Model Bye-laws* for regulating the disposal of carcasses of dead animals in the Town Municipalities in the State:—

BYE-LAWS FOR REGULATING THE DISPOSAL OF CARCASSES.

1. In these bye-laws, 'animal' means Buffalo, Bull, Bullock, Cow, Horse, Mule, Calf, Donkey, Goat, Sheep or Dog.

2. Except the places set apart by the Municipality for the purpose of disposal of carcasses of dead animals, no other place within the municipal limits shall be used for such purpose.

3. Every person within whose premises any animal may die shall make a report of the death to the Health Inspector of the Division, and shall, within six hours of its death, either remove the carcass at his own expense without cutting it up, to any one of the places set apart for the burial of dead animals by the Municipality and bury them in that place or apply to the Health Inspector of the Division for the removal and disposal of the carcass otherwise. In the case of an application to the Health Inspector, the applicant shall, along with the application, pay in advance the charges for the removal and disposal of such carcass prescribed in the following schedule:—

SCHEDULE.

Description	*Charges.* Rs.	a.	p.	
Buffalo	1	0	0	... per carcass
Bullock or Bull	1	0	0	... do
Cow	1	0	0	... do
Horse	1	0	0	... do
Mule	0	12	0	... do
Calf	0	8	0	... do
Donkey	0	6	0	... do
Goat	0	4	0	... do
Sheep	0	4	0	... do
Dog	0	4	0	... do

4. Every person who becomes aware that a carcass of a dead animal is lying uncared for in any place within the limits of the Municipality other than the place set apart under Bye-law 1, shall forthwith report the fact to the President or the Vice-President or the Health Inspector.

5. The President or Vice-President or the Health Inspector may in his discretion, require the carcass of any animal dying of any infectious disease to be burnt and every person who is the owner of such animal or incharge thereof shall comply with such orders.

6. The skins, horns, hoofs and bones of any animal may be removed before burial, provided that such removal takes place at the place so set apart for the burial and provided that the animal has not died of any infectious disease.

7. No carcass of any dead animal shall be eaten or removed or handed over to any one for the purpose of eating.

8. Whoever infringes any of the provisions of these bye-laws shall be punished with fine not exceeding rupees fifty.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No Fl. 7927—S.T. 66-51-2, dated Bangalore, 24th March 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-tax Act, 1948 (Mysore Act XLVI of 1948), His Highness the Maharaja of Mysore is pleased to exempt the sale of Disease-free silk worm eggs to Sericulturists from the Government Grainages, from the tax payable under the said Act.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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PART IV.

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D 1534—Legis. 4-51-63, dated Bangalore, 13th November 1951.

Ordered that the State Financial Corporations Act, 1951 (Central Act No. LXIII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951 be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA686

MINISTRY OF LAW.

Received Assent on 31st October 1951.

THE STATE FINANCIAL CORPORATIONS BILL, 1951.
(LXIII of 1951).

AN

ACT

to provide for the establishment of State Financial Corporations.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the State Financial Corporations Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Board of Directors of the Financial Corporation.

(*b*) "Financial Corporation" means the Financial Corporation established for the State under section 3;

(*c*) "industrial concern" means any concern engaged in the manufacture, preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power;

(*d*) "prescribed" means prescribed by rules or regulations made under this Act;

(*e*) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (II of 1934);

(*f*) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934);

(*g*) "underwriting" means contract with or without conditions, to subscribe for stocks, shares, bonds or debentures of an industrial concern with a view to the resale of the whole or any part thereof.

CHAPTER II 687

INCORPORATION OF STATE FINANCIAL CORPORATIONS, THEIR CAPITAL AND MANAGEMENT.

3. *Establishment of State Financial Corporations.*—(1) The State Government may, by notification in the Official Gazette, establish a Financial Corporation for the State under such name as may be specified in the notification.

(2) The Financial Corporation shall be a body corporate by the name notified under sub-section (1), having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and to hold property and shall by the said name sue and be sued.

4. *Share capital and shareholders.*—(1) The authorised capital of the Financial Corporation shall be such sum as may be fixed by the State Government in this behalf, but it shall in no case less than fifty lakhs of rupees or exceed five crores of rupees.

(2) The authorised capital shall be divided into such number of fully paid-up shares as the State Government may determine and shall be issued to the parties mentioned in sub-section (3) at such times and in such manner as that Government may determine and each such share shall have the same face value.

(3) The State Government shall, with the approval of the Central Government, determine the number of shares which may, respectively, be distributed among—

(*a*) the State Government,

(*b*) the Reserve Bank,

(*c*) scheduled banks, insurance companies, investment trusts, co-operative banks or other financial institutions, and

(*d*) parties other than those referred to in clauses (*a*), (*b*) and (*c*):

Provided that the number of shares which may be allocated to the parties referred to in clause (*d*) shall in no case exceed twenty-five per cent of the total number of shares.

(4) Subject to the other provisions contained in this section, the allocation of shares among the parties referred to in clauses (*c*) and (*d*) of sub-section (3) and the allotment of such shares shall be made by the Financial Corporation in such manner as may be prescribed.

(5) If any shares allocated to any of the parties referred to in clauses (*c*) and (*d*) of sub-section (3) remain unsubscribed, they shall be subscribed for by the State Government, but the State Government may at any time thereafter dispose of the shares so subscribed for to any party who was eligible to subscribe for it in the first instance.

5. *Restrictions on transfer of shares.*—(1) The shares of the Financial Corporation shall not be transferable except to the State Government, the Reserve Bank or any other financial institution recognised in this behalf by the State Government:

Provided that the shares subscribed for by the parties referred to in clause (*d*) of sub-section (3) of section 4 shall be freely transferable.

(2) Nothing contained in this section shall affect the provisions of sub-section (5) of section 4.

6. *Shares to be guaranteed by the State Government and to be trust or approved securities.*—(1) The shares of the Financial Corporation shall be guaranteed by the State Government as to the repayment of principal and the payment of annual

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dividend at such minimum rate as the State Government may, with the approval of the Central Government, fix by notification published in the Official Gazette at the time of issuing the shares.

(2) Notwithstanding anything contained in the Act hereinafter mentioned in this sub-section, the shares of the Corporation shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882 (II of 1882) and also to be approved securities for the purposes of the Insurance Act, 1938 (IV of 1938) and the Banking Companies Act, 1949 (X of 1949).

7. *Additional capital of the Financial Corporation.*—(1) The Financial Corporation may, in consultation with the Reserve Bank, issue and sell bonds and debentures carrying interest for the purpose of increasing it working capital :

Provided that the total amount of bonds and debentures issued and outstanding and of the contingent liabilities of the Financial Corporation in the form of guarantees given by it or underwriting agreements entered into by it shall not at any time exceed five times the amount of the paid-up share capital and the reserve fund of the Financial Corporation.

(2) Bonds and debentures of the Financial Corporation shall be guaranteed by the State Government as to the repayment of the principal and the payment of interest at such rate as the State Government may, on the recommendation of the Board and with the approval of the Central Government, fix at the time the bonds and debentures are issued.

8. *Deposits with the Financial Corporation.*—The Financial Corporation may accept deposits from the public repayable after the expiry of a period which shall not be less than five years from the date of the making of the deposit, and on such other terms as it thinks fit :

Provided that the total amount of such deposits shall not at any time exceed the paid-up capital of the Financial Corporation.

9. *Management of Financial Corporations.*—The general superintendence, direction and management of the affairs and business of the Financial Corporation shall vest in a Board of Directors which, with the assistance of an Executive Committee and a Managing Director may exercise all the powers and discharge all the functions which may be exercised or discharged by the Financial Corporation.

10. *Board of Directors.*—The Board of Directors shall consist of the following, namely :—

(*a*) three directors nominated by the State Government ;

(*b*) one director nominated by the Central Board of the Reserve Bank ;

(*c*) one director nominated by the Board of Directors of the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (XV of 1948) ;

(*d*) three directors elected in the prescribed manner from among themselves by the parties referred to in clause (*c*) of sub-section (3) of section 4, one of whom shall be elected to represent scheduled banks, another to represent Co-operative banks and the third to represent the remaining financial institutions ;

(*e*) one director elected in the prescribed manner from among themselves by the parties referred to in clause (*d*) of sub-section (3) of section 4 who are shareholders of the Financial Corporation ;

(*f*) one managing director appointed by the State Government, in consultation with the Board except in the case of the first appointment :

Provided that on the first constitution of the Board the directors referred to in clauses (*d*) and (*e*) shall be nominated by the State Government and the directors so nominated shall, for the purposes of this Act, be deemed to be elected directors :

Provided further that all directors of the Board first constituted other than the managing director shall retire at the end of the first year.

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11. *Term of office and retirement of directors.*—(1) A nominated director shall hold office during the pleasure of the authority nominating him.

(2) An elected director other than a director deemed to be elected under the first proviso to section 10 shall hold office for four years:

Provided that two out of the four directors so elected shall retire at the end of two years after the first election and the other two at the end of four years after such election, the directors so to retire being determined by lot.

(3) Notwithstanding anything contained in sub-section (2), an elected director shall continue in office until his successor is elected and shall also be eligible for re-election for not more than two full consecutive terms after the rotation of elected directors has begun.

12. *Disqualifications for being a director.*—No person shall be a director who—

(*a*) except in the case of a managing director, is a salaried official of the Financial Corporation; or

(*b*) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors; or

(*c*) is found to be a lunatic or becomes of unsound mind; or

(*d*) is or has been convicted of any offence involving moral turpitude.

13. *Removal of director from office.*—The State Government may remove from office any director who—

(*a*) is, or has become, subject to any of the disqualifications mentioned in section 12; or

(*b*) without excuse sufficient in the opinion of the State Government to exonerate it, is absent without leave of the Board from more than three consecutive meetings of the Board.

14. *Resignation of office by director and filling up of casual vacancies.*—(1) The managing director or any other director may resign his office giving notice thereof in writing to the State Government and on such resignation being accepted, shall be deemed to have vacated his office.

(2) A causual vacancy in the office of an elected director shall be filled by election and a director so elected shall hold office for the unexpired portion of the term of his predecessor.

(3) No act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.

15. *Chairman of the Board.*—(1) The Chairman of the Board shall be one of the directors, not being the managing director, nominated by the State Government, after considering, except in the case of the nomination of the first Chairman, the recommendation of the Board:

Provided that the nomination of the Chairman for any period other than the first period shall be made only after the vacancies in the office of directors occurring by efflux of time in that period have been filled by nomination or election as the case may be.

(2) The Chairman shall hold office for two years or until his successor is nominated:

Provided that a Chairman shall so long as he remains a director be eligible for re-nomination as Chairman.

16. *Remuneration of directors.*—The directors other than the managing director and not being servants of the State Government shall be paid such fees for attending meetings of the Board and if they are members thereof, of the Executive Committee, as may be prescribed.

17. *Managing director.*—The managing director shall—

(*a*) be a whole time officer of the Financial Corporation;

(*b*) perform such duties as the Board may, by regulations, entrust or delegate to him;

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(c) hold office for four years and be eligible for reappointment ;

(d) receive such salary and allowances as the Board, with the previous approval of the State Government, may determine :

Provided that the first managing director shall hold office for such term and shall receive such salary and allowances as the State Government may fix.

18. *Executive Committee.*—(1) The Executive Committee shall consist of the managing director who shall be the Chairman of the Committee, and three other directors, chosen as follows :—

(a) two directors elected by the nominated directors, one from among the directors nominated by the State Government, and one from among the directors nominated by the Reserve Bank and the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (XV of 1948) ;

(b) one director elected by the elected directors.

(2) A director elected to be a member of the Executive Committee shall hold office as such for the rest of his term of office as director.

19. *Meetings of the Board and Committee.* -(1) The Board and the Executive Committee shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

(2) All questions at a meeting shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairman or in his absence, any other person presiding, shall have a second or casting vote.

(3) No director shall vote on any matter in which he is interested.

(4) If, for any reason, the Chairman is unable to be present at a meeting—

(a) of the Board, a director other than the managing director, authorised by the Chairman in writing in this behalf, shall preside at that meeting, or

(b) of the Executive Committee, a member authorised in writing by the managing director shall preside at that meeting.

20. *Powers of Executive Committee.*—(1) Subject to such general or special direction as the Board may, from time to time give, the Executive Committee may deal with any matter within the competence of the Board.

(2) The minutes of every meeting of the Executive Committee shall be laid before the Board at the next following meeting of the Board.

21. *Advisory Committee.*—The Financial Corporation may appoint one or more advisory committee or committees for the purpose of assisting the Financial Corporation in the efficient disharge of its functions and in particular, for the purpose of securing that those functions are exercised with due regard to the circumstances and conditions prevailing in, and the requirements of, particular areas or industries.

22. *Offices and agencies.*—The Financial Corporation shall establish its head office at such place in the State as the State Government may specify and may, with the previous sanction of the State Government, establish offices or agencies in any other place in the State.

23. *Officers and other employees of the Corporation.*—The Financial Corporation may appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions, and determine, by regulations, their conditions of appointment and service and the remuneration payable to them.

CHAPTER III.

POWERS AND DUTIES OF THE BOARD.

24. *General duty of the Board.*—The Board in discharging its functions undes this Act shall act on business principles, due regard being had by it to the interestr of industry, commerce and the general public.

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25. *Business which Financial Corporations may transact.*—(1) The Financial Corporation may, subject to the provisions of this Act, carry on and transact any of the following kinds of business, namely :—

(*a*) the guaranteeing on such terms and conditions as may be agreed upon of loans raised by industrial concerns which are repayable within a period not exceeding twenty years and are floated in the public market;

(*b*) the underwriting of the issue of stocks, shares, bonds or debentures by industrial concerns ;

(*c*) the receipt in consideration of the services mentioned in clauses (*a*) and (*b*) of such commission as may be agreed upon ;

(*d*) the retention as part of its assets of any stocks, shares, bonds or debentures which it may have to take up in fulfilment of its underwriting liabilites, provided that it disposes of the stocks, shares, bonds or debentures so acquired as early as practicable and in any case within a period of seven years from the date of such acquisition ;

(*e*) the granting of loans or advances to, or the subscribing to debentures of industrial concerns, repayable within a period not exceeding twenty years from the date on which they are granted or subscribed to as the case may be ; and

(*f*) generally, the doing of all such acts and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

(2) No accommodation shall be given under clauses (*a*) and (*e*) of sub-section (1), unless it is sufficiently secured by a pledge, mortgage, hypothecation or assignment of Government or other securities, stocks, shares or secured debentures, bullion, movable or immovable property or other tangible assets in the manner prescribed by regulations.

26. *Limit of accommodation.*—The Financial Corporation shall not enter into any arrangement under clauses (*a*) and (*e*) of sub-section (1) of section 25 with a single industrial concern for an amount equivalent in the aggregate to more than ten per cent of the paid-up share capital of the Corporation, but in no case exceeding ten lakhs of rupees.

27. *Power to impose conditions for accommodation.*—(1) In entering into any arrangement under section 25 with an industrial concern, the Financial Corporation may impose such conditions as it may think necessary or expedient for protecting the interests of the Financial Corporation and securing that the accommodation granted by it is put to the best use by the industrial concern.

(2) Where one of the conditions imposed under sub-section (1) is that a director shall be appointed by the Financial Corporation on the board of directors of the industrial concern to protect the interests of the Financial Corporation, such condition shall be a valid condition notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in any other law for the time being in force or in any instrument relating to the industrial concern.

28. *Prohibited business.*—The Financial Corporation shall not—

(*a*) accept deposits, except as provided by this Act ;

(*b*) subscribe directly to the shares or stock of any company ;

Provided that nothing in clause (*b*) shall affect the right of the Financial Corporation to acquire any shares, bonds or debentures of a company in fulfilment of any underwriting agreement entered into by the Finance Corporation ;

(*c*) grant any loan or advance on the security of its own shares.

29. *Rights of Financial Corporation in case of default.*—Where any industrial concern, which is under a liability to the Financial Corporation under an agreement makes any default in repayment of any loan or advance or any instalment thereof or otherwise fails to comply with the terms of its agreement with the Financial Corporation, the Financial Corporation shall have the right to take over the management of the industrial concern, as well as the right to sell and realise

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the property pledged, mortgaged, hypothecated or assigned to the Financial Corporation.

(2) Any transfer of property made by the Financial Corporation, in exercise of its powers of sale and realisation under, sub-section (1), shall vest in the transferee all rights in or to the property transferred as if the sale had been made by the owner of the property.

(3) The Financial Corporation shall have the same rights and powers with respect to goods manufactured or produced wholly or partly from goods forming part of the security held by it as it had with respect to the original goods.

(4) Where any property is sold or realised by the Financial Corporation under the provisions of this section, the money which is received by it from such sale or realisation shall, in the absence of any contract to the contrary, be held by the financial Corporation in trust to be applied, first, in payment of all costs, charges and expenses properly incurred by it as incident to the said sale or realisation and, secondly, in discharge of the debt due to the Financial Corporation, and the residue of the money so received shall be paid to the person, entitled thereto.

(5) Where the Financial Corporation takes over the management of an iudustrial concern under the provisions of sub-section (1), the Financial Corporation shall be deemed to be the owner of such concern, for the purposes of suits by or against the concern, and shall sue and be sued in the name of the owner of the concern.

30. *Power to call for repayment before agreed period.*—Notwithstanding anything in any agreement to the contrary, the Financial Corporation may, by notice in writing, require any industrial concern to wihch it has granted any loan or advance to disharge forthwith in full its liabilities to the Financial Corporation,—

(*a*) if it appears to the Board that false or misleading information in any material particular was given by the industrial concern in its application for the loan or advance ; or

(*b*) if the industrial concern has failed to comply with the terms of its contract with the Fianancial Corporation in the matter of the loan or advance, or

(*c*) if there is a reasonable apprehension that the industrial concern is unable to pay its debts or that proceedings for liquidation may be commenced in respect thereof ; or

(*d*) if the property pledged, mortgaged hypothecated, or assigned to the Financial Corporation as security for the loan or advance is not insured and kept insured by the industrial concern to the satisfaction of the Financial Corporation or depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given ; or

(*e*) if, without the permission of the Board, any machinery, plant or other equipment, whether forming part of the security or otherwise, is removed from the premises of the industrial concern without being replaced ; or

(*f*) if for any reason it is necessary to protect the interests of the Financial Corporation.

31. *Special provisions for enforcement of claims by Financial Corporation.*—(1) Where an industrial concern, in breach of any agreement, makes any default in repayment of any loan or advance or any instalment thereof or otherwise fails to comply with the terms of its agreement with the Financial Corporation or where the Financial Corporation requires an industrial concern to make immediate repayment of any loan or advance under section 30 and the industrial concern fails to make such repayment, any officer of the Financial Corporation, generally or specially authorised by the Board in this behalf, may apply to the district judge within the

limits of whose jurisdiction the industrial concern carries on the whole or a substantial part of its business for one or more of the following reliefs, namely :—

(*a*) for an order for the sale of property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan or advance ; or

(*b*) for transferring the management of the Industrial concern to the Financial Corporation ; or

(*c*) for an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery or plant or equipment from the premises of the industrial concern without the permission of the Board where such removal is apprehended.

(2) An application under sub-section (1) shall state the nature and extent of the liability of the industrial concern to the Financial Corporation, the ground on which it is made and such other particulars as may be prescribed.

32. *Procedure of district judge in respect of applications under section* 31.—(1) When the application is for the reliefs mentioned in clauses (*a*) and (*c*) of sub-section (1) of section 31, the district judge shall pass on *ad interim* order attaching the security, or so much of the property of the industrial concern as would on being sold, realise in his estimate an amount equivalent in value to the outstanding liability of the industrial concern to the Financial Corporation, together with the costs of the proceedings taken under section 31, with or without an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery, plant or equipment.

(2) When the application is for the relief mentioned in clause (*b*) of sub-section (1) of section 31, the district judge shall grant an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery, plant or equipment and issue a notice calling upon the industrial concern to show cause, on a date to be specified in the notice, why the managment of the industrial concern should not be transferred to the Financial Corporation.

(3) Before passing any order under sub-section (1) or sub-section (2), the district judge may, if he thinks fit, examine the officer making the application.

(4) At the same time as he passes an order under sub-section (1), the district judge shall issue to the industrial concern a notice accompanied by copies of the order, the application and the evidence, if any, recorded by him calling upon it to show cause on a date to be specified in the notice why the *ad interim* order of attachment should not be made absolute or the injunction confirmed.

(5) If no cause is shown on or before the date specified in the notice under sub-sections (2) and (4), the district judge shall forthwith make the *ad interim* order absolute and direct the sale of the attached property or transfer the management of the industrial concern to the Financial Corporation or confirm the injunction.

(6) If cause is shown, the district judge shall proceed to investigate the claim of the Financial Corporation in accordance with the provisions contained in the Code of Civil Procedure, 1908 (Act V of 1908), in so far as such provisions may be applied thereto.

(7) After making an investigation under sub-section (6), the district judge may—

(*a*) confirm the order of attachment and direct the sale of the attached property ;

(*b*) vary the order of attachment so as to release a portion of the property from attachment and direct the sale of the remainder of the attached property ;

(*c*) release the property from attachment ;

(*d*) confirm or dissolve the injunction ; or

(*e*) transfer the management of the industrial concern to the Financial Corporation or reject the claim made in this behalf :

Provided that when making an order under clause (*c*), the district judge may make such further orders as he thinks necessary to protect the interests of the

Financial Corporation and may apportion the costs of the proceedings in such manner as he thinks fit :

Provided further that unless the Financial Corporation intimates to the district judge that it will not appeal against any order releasing any property from attachment, such order shall not be given effect to, until the expiry of the period fixed under sub-section (9) within which an appeal may be preferred or if an appeal is preferred, unless the High Court otherwise directs, until the appeal is disposed of.

(8) An order of attachment or sale of property under this section shall be carried into effect as far as practicable in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908) for the attachment or sale of property in execution of a decree as if the Financial Corporation were the decree-holder.

(9) Any party aggrieved by an order under sub-section (5) or sub-section (7) may, within thirty days from the date of the order, appeal to the High Court, and upon such appeal the High Court may, after hearing the parties, pass such orders thereon as it thinks proper.

(10) Where proceedings for liquidation in respect of an industrial concern have commenced before an application is made under sub-section (1) of section 81, nothing in this section shall be construed as giving to the Financial Corporatian any preference over the other creditors of the industrial concern not conferred on it by any other law.

(11) The functions of a district judge under this section shall, in a presidency-town, be exercised by the principal judge of the City civil court, if any, having jurisdiction or by the High Court.

CHAPTER IV

Investment of Funds, Accounts and Audit

33. *Funds of the Financial Corporation.*—(1) Every Financial Corporation shall have its own fund, and all receipts of the Financial Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in the Reserve Bank or with any agency of the Reserve Bank other than a Government treasury or to a scheduled bank in consultation with the Reserve Bank.

34. *Investment of funds.*—The Financial Corporation may invest its funds in the securities of the Central Government or of any State Government.

35. *Disposal of profits.*—(1) The Financial Corporation shall establish a reserve fund.

(2) After making provision for bad and doubtful debts, depreciation of assets and all other matters which are usually provided for by banking companies, the Financial Corporation may out of its net annual profits declare a dividend:

Provided that for so long as the reserve fund is less than the paid-up share capital of the Financial Corporation and until there has been repaid to the State Government such sum, if any, as that Government may have paid under guarantee given in pursuance of section 6, or under any guarantee given in pursuance of sub-section (2) of section 7, the rate of such dividend shall not exceed the rate guaranteed by the State Government under section 6.

(3) Notwithstanding anything contained in this section, no dividend paid under this section shall under any circumstances exceed the rate of five per cent per annum and if, in respect of any financial year after the reserve fund becomes equal to the share capital of the Financial Corporation, there is a surplus in the net profits after declaring a dividend at the rate specified in this sub-section, such surplus shall be paid to the State Government.

36. *General meetings.*—(1) A general meeting (hereinafter referred to as the annual general meeting) shall be held annually at a place in the State where there is an office of the Financial Corporation within two months from the date on which the annual accounts of the Financial Corporation are closed, and a general meeting may be convened by the Board at any other time.

(2) The shareholders present at the annual general meeting shall be entitled to discuss the annual accounts, the report of the Board on the working of the Financial Corporation throughout the year and the auditor's report on the annual balance-sheet and accounts.

37. *Audit.*—(1) The affairs of the Financial Corporation shall be audited by not less than two auditors duly qualified to act as auditors of companies under sub-section (1) of section 144 of the Indian Companies Act, 1913 (VII of 1913), one of whom shall be appointed by the State Government in consultation with the Comptroller and Auditor-General of India and the other elected in the prescribed manner by the parties mentioned in clauses (*c*) and (*d*) of sub-section (3) of section 4, and such remuneration as the State Government may fix shall be paid to the auditors by the Financial Corporation.

(2) Every auditor shall be supplied with a copy of the annual balance-sheet of the Financial Corporation, and it shall be his duty to examine it, together with the accounts and vouchers relating thereto, and every auditor shall have a list delivered to him of all books kept by the Financial Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Financial Corporation and may in relation to such accounts examine any director or officer of the Financial Corporation.

(3) The auditors shall make a report to the shareholders upon the annual balance-sheet and accounts, and in every such report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of affairs of the Financial Corporation, and in case they had called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(4) The State Government may, in consultation with the Comptroller and Auditor-General of India, at any time issue directions to the auditiors requiring them to report to it upon the adequacy of measures taken by the Financial Corporation for the protection of its shareholders and creditors or upon the sufficiency of their procedure in auditing the affairs of the Financial Corporation and may enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted, or direct that any other examination be made by the auditors, if in its opinion public interest so requires.

(5) The Financial Corporation shall send a copy of every report of the auditors to the Comptroller and Auditor-General of India at least one month before it is placed before the shareholders.

(6) Notwithstanding anything contained in the preceding sub-sections, the Comptroller and Auditor-General of India may, either of his own motion or on a request received in this behalf from a State Government, undertake such audit and at such times as he may consider necessary:

Provided that where the State Government is required to make any payment on account of the guarantee given by it under section 6 or sub-section (2) of section 7, as the case may be, such audit shall be undertaken by the Comptroller and Auditor-General of India.

(7) Every audit report under sub-section (6) shall be forwarded to the State Government and the Government shall cause the same to be laid before the Legislature of the State.

38. *Returns.*—(1) The Financial Corporation shall furnish a statement, in the prescribed form, of its assets and liabilities as at the close of business on the last

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Friday of each month or, if that day is a public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881), as at the close of business on the preceding working day to the State Government and to the Reserve Bank within ten days from the date to which the statement relates.

(2) The Financial Corporation shall furnish in the prescribed form to the State Government and to the Reserve Bank once in every three months or, as frequently as the State Government or the Reserve Bank may require a statement showing the classification of its loans and investments and of all loans guaranteed by it and underwriting agreements entered into by it.

(3) The Financial Corporation shall furnish to the State Government and to the Reserve Bank within three months of the close of each financial year a statement in the prescribed form of its assets and liabilities as at the close of that year, together with a profit and loss account for the year, the auditors' report and a report of the working of the Financial Corporation during the year and copies of the said statement, account and reports shall be published in the Official Gazette and shall also be laid before the Legislature of the State.

CHAPTER V

MISCELLANEOUS

39. *Power to give instructions to Financial Corporation on questions of policy.*—(1) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

(3) If the Board fails to carry out the instructions on the question of policy laid down by the State Government, the State Government shall have the power to supersede the Board and appoint a new Board in its place to function until a properly constituted Board is set up, and the decision of the State Government as to the grounds for superseding the Board shall not be questioned in any court.

40. *Declaration of fidelity and secrecy.*—Every director, auditor, officer or other employee of the Financial Corporation shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

41. *Indemnity of directors.*—(1) Every director shall be indemnified by the Financial Corporation against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the Financial Corporation or for any loss or expenses resulting to the Financial Corporation by the insufficiency or deficiency of value of or title to any property or security acquired or taken on behalf of the Financial Corporation or by the wrongful act of any person under obligation to the Financial Corporation or by anything done in good faith in the execution of the duties of his office or in relation thereto.

42. *Offences.*—(1) Whoever, in any bill of lading, wherehouse receipt or other document given to the Financial Corporation, whereby security is given or is purported to be given to the Financial Corporation for any accommodation granted by it under this Act, wilfully makes any false statement or knowingly permits any false statement to be made shall be punishable with imprisonment for a term which may extent to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Whoever, without the consent in writing of the Financial Corporation, uses the name of the Financial Corporation in any prospectus or advertisement shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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(3) No court shall take cognizance of any offence punishable under this Act otherwise than on a complaint in writing signed by an officer of the Financial Corporation authorised by the Board in this behalf.

43. *Provisions relating to income-tax and super-tax.*—For the purposes of the Indian Income-tax Act, 1922 (XI of 1922), the Financial Corporation shall be deemed to be a company within the meaning of that Act and shall be liable to income-tax and super-tax accordingly on its income, profits and gains :

Provided that any sum paid by the State Government under the guarantee given in pursuance of section 6 or under any guarantee given in pursuance of sub-section (2) of section 7 shall not be treated as the income, profits and gains of the Financial Corporation and any interest on debentures or bonds paid by the Financial Corporation out of such sum shall not be treated as expenditure incurred by it :

Provided further that in the case of any shareholder such portion of a dividend as has been paid out of any such sum advanced by the State Government shall be deemed to be its income from "interest on securities" declared to be income-tax free within the meaning of section 8 of that Act.

44. *Act XVIII of 1891 to apply to the books of the Financial Corporation.*—The Financial Corporation shall be deemed to be a bank for the purposes of the Bankers Books Evidence Act, 1891 (XVIII of 1891).

45. *Liquidation of Financial Corporation.*—No provision of law relating to the winding-up of companies or corporations shall apply to the Financial Corporation, and the Financial Corporation shall not be placed in liquidation, save by order of the State Government and in such manner as it may direct.

46. *Power to apply Act to certain financial institutions in existence at commencement of Act.*—(1) The Central Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall subject to such exceptions and restrictions as may be specified, apply to any institution in existence at the commencement of this Act which has for its object the financing of industrial concerns, and on the issue of such notification, the institution shall be deemed to be a Financial Corporation established by the State Government for the State within the meaning of this Act, and the provisions of this Act, shall become applicable thereto according to the tenor of the notification.

(2) Any notification issued under sub-section (1) may suspend the operation of any enactment applicable to any such institution immediately before the issue of the notification.

47. *Power of State Government to make rules.*—The State Government may make rules not inconsistent with the provisions of this Act to give effect to the provisions of this Act and in particular, such rules may provide for the limitation on the voting rights of a shareholder and the manner in which such voting rights may be exercised and where there is any inconsistency between the rules and the regulations made under this Act, the rules shall prevail.

48. *Power of Board to make regulations.*—(1) The Board may, after consultation with the Reserve Bank and with the previous sanction of the State Government, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the holding and conduct of elections under this Act, including the final decision on doubts or disputes regarding the validity of elections ;

(*b*) the manner in which, and the conditions subject to which, the first allotment of the shares of the Financial Corporation shall be made ;

(c) the manner in which, and the conditions subject to which, the shares of the Financial Corporation may be held and transferred and generally all matters relating to the rights and duties of shareholders ;

(d) the manner in which general meetings shall be convened, the procedure to be followed thereat and the manner in which voting rights may be exercised ;

(e) the calling of meetings of the Board and of the Executive Committee, fees for attending meetings thereof and the conduct of business thereat ;

(f) the manner and terms of issue and repayment of bonds and debentures by the Financial Corporation ;

(g) the conditions which the Financial Corporation may impose in granting loans or advances ;

(h) the manner of determining the sufficiency of the security taken under sub-section (2) of section 25 ;

(i) the forms of returns and statements required under this Act ;

(j) the duties and conduct of officers, other employees, advisers and agents of the Financial Corporation ;

(k) the establishment and maintenance of provident or other benefit funds for employees of the Financial Corporation ;

(l) the taking over of the management of any industrial concern on a breach of its agreement with the Financial Corporation ;

(m) the appointment of advisory committees for technical and other advice for the purposes of this Act ; and

(n) generally, the efficient conduct of the affairs of the Financial Corporation.

(3) All regulations made under this section shall be published in the Official Gazette and shall come into force on such publication.

THE SCHEDULE

(*See* section 40)

Declaration of Fidelity and Secrecy

I....., do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as a director, officer, employee or auditor (as the case may be) of the Financial Corporation and which properly relate to any office or position in the said Financial Corporation held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Financial Corporation, nor will I allow any such person to inspect or have access to any books are documents belonging to or in the possession of the Financial Corporation and relating to the business of the Financial Corporation.

Signature

Signed before me :

K. V. K. SUNDARAM,
Secretary to the Government of India

NOTIFICATION. 899

No. L.D. 1535—Legis. 4-51-69, dated Bangalore, 13th November 1951.

Ordered that the Evacuee Interest (Separation) Act, 1951 (Central Act LXIV of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

Received assent on 31st October 1951.

THE EVACUEE INTEREST (SEPARATION) ACT, 1951 (LXIV OF 1951).

AN

ACT

to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith.

WHEREAS it is expedient to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith ;

AND WHEREAS some of the aforesaid provisions may relate to certain matters in the State List and Parliament is empowered, in pursuance of a Resolution passed under article 249 of the Constitution, to make such laws ;

BE it therefore enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Evacuee Interest (Separation) Act, 1951.

(2) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "appellate officer" means an officer appointed as such by the State Government under section 13 ;

(*b*) "claim" means the assertion by any person, not being an evacuee, of any right, title or interest in any property—

(i) as a co-sharer or partner of an evacuee in the property ; or

(ii) as a mortgagee of the interest of an evacuee in the property ; or

(iii) as a mortgagor having mortgaged the property or any interest therein in favour of an evacuee ;

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and includes any other interest which such person may have jointly with an evacuee and which is notified in this behalf by the Central Government in the Official Gazette ;

(c) "competent officer" means an officer appointed as such by the State Government under section 4 ;

(d) "composite property" means any property which, or any property in which an interest, has been declared to be evacuee property or has vested in the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) and—

(i) in which the interest of the evacuee consists of an undivided share in the property held by him as a co-sharer or partner of any other person, not being an evacuee ; or

(ii) in which the interest of the evacuee is subject to mortgage in any form in favour of a person, not being an evacuee ; or

(iii) in which the interest of a person, not being an evacuee, is subject to mortgage in any form in favour of an evacuee ; or

(iv) in which an evacuee has such other interest jointly with any other person, not being an evacuee, as may be notified in this behalf by the Central Government, in the Official Gazette ;

(e) "evacuee interest", in relation to a composite property, means the right, title and interest of an evacuee in that property ;

(f) "mortgage debt" means any liability in respect of a property due under any form of mortgage (including any usufructuary mortgage or mortgage by conditional sale) whether such liability is payable presently or in future or under any decree or order of a court or otherwise, or whether ascertained or not, which—

(i) in any case where it is incurred by an evacuee, is secured by the mortgage of the interest of the evacuee in the property in favour of a person, not being an evacuee ;

(ii) in any case where it is incurred by a person not being an evacuee, is secured by the mortgage of the interest of such person in the property in favour of an evacuee ;

but does not include any such liability of an evacuee arising out of any transaction entered into after the 14th day of August, 1947, unless such transaction has been confirmed by the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "principal money", in relation to a mortgage deed executed by an evacuee, means—

(i) in the case of a mortgage deed which has not been executed by way of renewal of a prior mortgage deed, the sum of money advanced by way of loan at the time of the execution of the mortgage deed ;

(ii) in the case of a mortgage deed which has been executed at any time before the 1st day of January, 1940, by way of renewal of a prior mortgage deed, the consideration for which the renewed mortgage deed was executed ;

(iii) in the case of a mortgage deed which has been executed at any time after the 1st day of January 1940, by way of renewal of a prior mortgage deed executed before that date, the sum of money which became due on the 1st day of January, 1940, on account of the money advanced on the prior mortgage deed and interest thereon up to the said date ;

(iv) in the case of a mortgage deed which was executed at any time after the 1st day of January 1940, by way of renewal of a prior mortgage deed which was also executed after that date, the sum of money advanced by way of loan at the time of the execution of the prior mortgage deed ;

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Explanation.—For the purpose of calculating the principal money in relation to any mortgage deed which has been executed by way of renewal of a prior mortgage deed, any sum of money advanced at the time of such renewal in addition to the sum of money which was due on the prior mortgage deed shall also be taken into account.

(*i*) all words and expressions used, but not defined in this Act and defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), shall have the meanings assigned to them in that Act.

3. *Act to override other laws.*—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

Separation of Evacuee Interest in Composite Property.

4. *Power to appoint competent officers.*—(1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, appoint as many competent officers as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and a competent officer may perform his functions in such local area or areas as may be specified in the notification.

(2) No person shall be qualified to be appointed as a competent officer under this Act unless he has held a judicial office for at least five years, or has been an advocate or a pleader for at least seven years.

5. *Jurisdiction of competent officers.*—A competent officer shall have jurisdiction to decide any claim relating to any composite property situate within the limits of the local area of his jurisdiction and such cases or classes of cases as may, by general or special order, be transferred to him under section 19 by the Central Government or the appellate officer.

6. *Notice to submit claims.*—(1) For the purpose of determining or separating the evacuee interest in a composite property, any competent officer having jurisdiction over such property may, either on information received in this behalf from the Custodian or on an application from a claimant, issue, in such form and manner as may be prescribed,—

(*a*) a general notice requiring all persons who claim interest in such property, and

(*b*) also a notice on every person who, in the opinion of the competent officer, may have a claim in such property,

to submit claims, if any, in respect of that property.

(2) An application under sub-section (1) shall be in such form and manner as may be prescribed.

7. *Submission of claims.*—(1) Any person claiming an interest in a composite property may, within sixty days of the date of the issue of the general notice or service of individual notice under section 6, whichever is later, submit to the competent officer a statement of his claim in writing and signed and verified in the prescribed manner :

Provided that the competent officer may entertain the claim after the expiry of the said period of sixty days if he is satisfied that the claimant was prevented by sufficient cause from filing the claim in time.

(2) A statement of claim under sub-section (1) shall be drawn up, as far as may be, in the form of pleadings under the Code of Civil Procedure, 1908 (Act V of 1908), and shall include the following particulars, namely :—

(*a*) the nature of the interest of the claimant in the composite property ;

(*b*) the estimated money value of the composite property ;

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(c) where the claim is made by a co-sharer or partner, the extent of the share of the claimant and the money value of such share ;

(d) where the claim is made by a mortgagee,—

(i) the principal money and the rate of interest chargeable under the mortgage-deed ;

(ii) payments made towards the mortgage debt after the principal money was advanced or deemed to have been advanced ;

(iii) the history of the mortgage debt in so far as it is relevant to the determination of the principal money ;

(iv) particulars of the property mortgaged and the estimated value of such property ;

(v) particulars of any property the possession of which has been taken by the mortgagee as security for, or in lieu of payment of, the mortgage debt ;

(vi) the total amount claimed under the mortgage debt in accordance with the provisions of this Act ;

(e) where the claim is made by a mortgagor, the total amount due under the mortgage debt and the particulars necessary to determine the same ;

(f) the order of preference in which the claimant desires to have his interest separated from that of the evacuee under section 10 ;

(g) any other particulars which may be prescribed.

(3) The claimant shall, along with the submission of claim under sub-section (1), file true copies of all documents in his possession or power on which the claim is based and a list of any other documents (whether in his possession or power or not) on which he intends to relay as evidence in support of his claim ; and the claimant shall, whenever require to do so by the competent officer, produce all the documents of which true copies have been filed and also the documents in his possession or power which have been entered in the list.

(4) No document which should have been but has not been filed in accordance with the requirements of sub-section (3), shall be received at any stage of the proceedings without the leave of the competent officer.

8. *Decision by competent officer.*—(1) On receipt of a statement of claim under section 7, the competent officer shall, subject to the provisions of sub-sections (2) and (3) hold an inquiry in to the claim in accordance with the procedure laid down in section 17 and pass an order determining the interest of the evacuee and the claimant in the property in question and the order shall contain all or any of the following particulars, namely :—

(a) the money value of the property ;

(b) in any case where the evacuee and the claimant are co-sharers or partners, their respective shares in the property and the money value of such shares ;

(c) in any case where the claim is made by a mortgagor, the amount due to the evacuee ;

(d) in any case where the claim is made by a mortgagee, the amount due under the claim in accordance with the provisions of section 9.

(2) Where the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950), has determined that the property in question or any interest therein is evacuee property, the decision of the Custodian shall be binding on the competent officer :

Provided that nothing contained in this sub-section shall debar the competent officer from determining the mortgagee debt in respect of such property or any interest therein or from separating the interest of the evacuee from that of the claimant under section 10.

(3) If there is any dispute as to whether a liability is a mortgage debt or not or whether any claim submitted under section 7 exists, the competent officer shall decide such dispute :

Provided that a decree of a civil court (other than an *ex parte* decree passed after the 14th day of August 1947) shall, subject to the provisions of sections 9 and 10, be binding on the competent officer in respect of any matter which has been finally decided by such decree; and where any matter was decided by an *ex parte* decree passed by a civil court after the 14th day of August, 1947, the competent officer may decide such matter afresh and on such decision being made, the *ex parte* decree shall be deemed to have no effect.

9. *Certain reliefs in respect of mortgaged property of evacuees.*—(1) Notwithstanding anything to the contrary in any law or contract or any decree or order of a civil court or other authority, where the claim is made by a mortgagee, no mortgaged property of an evacuee shall, subject to the provisions of sub-section (2), be liable for the payment of interest at a rate exceeding five per cent per annum simple on the principal money advanced or deemed to have been advanced.

(2) Where a mortgagee has taken possession on any terms whatsoever of any agricultural land and is entitled to receive profits accruing from the land and to appropriate the same, every such mortgage shall be deemed to have taken effect as a complete usufructuary mortgage and shall be deemed to have been extinguished on the expiry of the period mentioned in the mortgage deed or twenty years, whichever is less, from the date of the execution of the mortgage deed; and if the aforesaid period has not expired and the mortgage debt has not been extinguished, the competent officer shall determine the mortgage debt due having regard to the proportion which the unexpired portion of that period bears to the total of that period.

10. *Separation of the interests of evacuees from those of claimants in composite property.*—Notwithstanding anything to the contrary in any law or contract or any decree or order of a civil court or other authority, the competent officer may, subject to any rules that may be made in this behalf, take all such measures as he may consider necessary for the purpose of separating the interests of the evacuees from those of the claimants in any composite property, and in particular may,—

(*a*) in the case of any claim of a co-sharer or partner,—

(*i*) direct the Custodian to pay to the claimant the amount of money assessed in respect of his share in the composite property or deposit the same in a civil court having jurisdiction over such property and deliver possession of the property to the Custodian and the claimant may withdraw the amount in deposit in the civil court; or

(*ii*) transfer the property to the claimant on payment by him of the amount of money assessed in respect of the share of the evacuee in the property; or

(*iii*) sell the property and distribute the sale proceeds thereof between the Custodian and the claimant in proportion to the share of the evacuee and of the claimant in the property; or

(*iv*) partition the property according to shares of the evacuee and the claimant and deliver possession of the shares allotted to the evacuee and the claimant to the Custodian and the claimant respectively;

(*b*) in the case of any claim of a mortgagor or a mortgagee,—

(*i*) pay to the Custodian or the claimant the amount payable under the mortgage debt and redeem the mortgaged property; or

(*ii*) sell the mortgaged property for satisfaction of the mortgage debt and distribute the sale proceeds thereof; or

(*iii*) partition the property between the mortgagor and the mortgagee having regard to the share to which the mortgagee would be entitled in lieu of his claim;

(*c*) adopt a combination of all or some of the aforesaid measures:

Provided that before taking any measure under this section, the competent officer shall take into account the order of preference filed by the claimant under

clause (*f*) of sub-section (2) of section 7 ; and in any case where the claimant is a mortgagor and tenders the amount due, the competent officer shall accept the same in full satisfaction of the mortgage debt.

11. *Vesting of evacuee interest in the Custodian free from encumbrances and payments, etc., to be valid discharge from all claims.*—(1) Where in respect of any property, notice under section 6 is issued but no claim is filed or found to exist or where any claim in respect of such property is found to exist and the competent officer separates the evacuee interest therein under section 10, the whole property, or, as the case may be, the evacuee interest in the property thus separated shall vest in the Custodian free from all encumbrances and liabilities and any payment, transfer or partition made or effected under section 10 in satisfaction of any claim in respect of the property shall be a full and valid discharge of all claims in respect of the property.

(2) The Custodian may take possession of any such property by evicting the claimant and other persons who may be in occupation thereof and may, for that purpose, use or cause to be used such force as may be necessary :

Provided that the Custodian shall not disturb the possession of any person (other than the claimant) who was in lawful possession of the property at the commencement of this Act and has continued in such possession.

12. *Right of claimants* inter se *and by other persons against claimants not be affected.*—Nothing in this Chapter shall prejudice any rights in respect of the property transferred or delivered, or payment made, to a claimant under the provisions of this Act which any other claimant or other person may be entitled by due process of law to enforce against the claimant to whom the property is delivered or transferred or the payment is made.

CHAPTER III

Appeal, Revision and Powers and Procedure of Competent Officers and Appellate Officers

13. *Power to appoint appellate officers.*—(1) The State Government with the approval of the Central Government may, by notification in the Official Gazette, appoint as many appellate officers as may be necessary for the purpose of hearing appeals against the orders of the competent officers and an appellate officer shall have jurisdiction over such local area or areas as may be specified in the notification.

(1) No person shall be qualified to be appointed as an appellate officer under this Act unless such person—

(*a*) is, or has been, or is qualified for appointment as, a Judge of a High Court ; or

(*b*) is, or has been, a district judge.

14. *Appeals.*—(1) Any person aggrieved by an order of the competent officer made under section 8 or section 10 may, within sixty days from the date of the order, prefer an appeal to the appellate officer in such form and manner as may be prescribed :

Provided that the appellate officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The appellate officer may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such orders as he deems fit.

15. *Power of revision of the Appellate Officer.*—The appellate officer may at any time call for the record of any proceeding in which the competent officer has

passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit :

Provided that the appellate officer shall not pass an order under this section prejudicially to any person without giving him a reasonable opportunity of being heard.

16. *Amendment of orders.*—Clerical or arithmetical mistakes in orders passed by a competent officer or an appellate officer or errors arising therein from any accidental slip or omission, may, at any time, be corrected by the competent officer or the appellate officer either of his own motion or on an application received in this behalf from any of the parties.

17. *Powers and procedure of competent officers and appellate officers.*—(1) A competent officer or an appellate officer shall, for the purpose of holding any inquiry or hearing any appeal under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath :

(*b*) requiring the discovery and production of documents ;

(*c*) issuing commissions for the examination of witnesses ;

(*d*) any other matter which may be prescribed ;

and any proceeding before the competent officer or the appellate officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860), and the competent officer or the appellate officer shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(2) An appellate officer shall, subject to the provisions of this Act, have such further powers as are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908), when hearing an appeal.

(3) Subject to any rules made in this behalf, the competent officer and appellate officer shall follow the same procedure as a civil court does in regard to civil suits including recording of evidence and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) shall, as far as may be, apply to such proceedings.

18. *Finality of orders.*—Save as otherwise expressly provided in this Act, every order made by any appellate officer or competent officer shall be final and shall not be called in question in any court by way of an appeal or revision or in any original suit, application or execution proceedings.

CHAPTER IV

MISCELLANEOUS

19. *Power to transfer cases.*—(1) The Central Government or the appellate officer may, by order in writing at any time, transfer any case pending before a competent officer to another competent officer for holding the inquiry and the competent officer to whom the case is so transferred may proceed either *de novo* or from the stage at which it was transferred.

(2) The Central Government or the State Government may, by order in writing at any time, transfer any appeal pending before an appellate officer to another appellate officer for hearing the appeal and the appellate officer to whom the appeal is so transferred may proceed either *de novo* or from the stage at which it was transferred.

20. *Jurisdiction of civil courts barred in certain matters.*—(1) Save as otherwise expressly provided in this Act, no civil or revenue court shall entertain any suit or proceeding in so far as it relates to any claim to composite property which the competent officer is empowered by or under this Act to decide, and no

injunction in respect of any action taken or to be taken by the competent officer in respect of the composite property shall be granted by any civil court or other authority.

(2) All suits and proceedings pending before a civil or Revenue court at the commencement of this Act shall, in so far as they relate to any claim field before a competent officer under section 7, be stayed during the pendancy of any proceeding under this Act.

(3) Nothing in sub-section (1) shall prevent any civil or revenue court from entertaining any suit or proceeding relating to any right in respect of any payment made, or property transferred or delivered, to a claimant under the provisions of this Act which any other claimant or other person may be entitled by due process of law to enforce against the claimant to whom the payment is made or the property is delivered or transferred.

21. *Competent officer to be a public servant.*—Every competent officer and appellate officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

22. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the appellate officer or the competent officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

23. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of any notice and the manner of its service ;

(b) the form and manner in which an application may be filed under section 6 ;

(*c*) the form and manner in which claims may be submitted and the particulars which a statement of claim may contain ;

(*d*) the manner in which inquiries under this act may be held and the procedure to be followed by competent officers in such proceedings ;

(*e*) the form and manner in which appeals may be preferred against the order of competent officers and the procedure to be followed by appellate officers ;

(*f*) the powers vested in a civil court which may be exercised by the competent officers and appellate officers while holding an inquiry or hearing an appeal, as the case may be, under this Act ;

(*g*) the manner of separating the interests of the evacuees from those of claimants in any composite property ;

(*h*) any other matter which has to be, or may be, prescribed under this Act.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 706

No. L.D. 2346—Legis. 4-51-109, dated Bangalore, 12th March 1952.

Ordered that the Indian Boilers (Amendment) Act, 1952 (Central Act No. XXV of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received assent on 6th March 1952.

THE INDIAN BOILERS (AMENDMENT) ACT, 1952. (XXV OF 1952).

AN

ACT

further to amend the Indian Boilers Act, 1923.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Boilers (Amendment) Act, 1952.

2. *Amendment of section 2B, Act V of 1923.*—In section 2B of the Indian Boilers Act, 1923, the words, brackets, letters and figures "clause (*e*) of section 6, clauses (*c*) and (*d*) of section 11, clause (*d*) of section 29" shall be omitted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 707

No. L.D. 2350—Legis. 4-51-114, dated Bangalore, 12th March 1952.

Ordered that the Finance Act, 1952 (Central Act No. XXIX of 1952), published in the *Gezette of India*, Part II, Section 1, dated the 7th March 1952, be republished in the *Mysore Gazette*, for general Information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received assent on 7th March 1952.

THE FINANCE ACT, 1952 (XXIX OF 1952).

AN

ACT

o continue for the financial year 1952-53 the existing rates of income-tax and super-tax and additional duties of customs and excise, and to provide for the discontinuance of the duty on salt for the said year.

Be it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Finance Act, 1952.

2. *Income-tax and Super-tax.*—The provisions of section 2 of, and the 'irst Schedule to, the Finance Act, 1951 (XXIII of 1951), shall apply in elation to income-tax and super-tax for the financial year 1952-53 as they pply in relation to income-tax and super-tax for the financial year 1951-52, vith the modification that in the said provisions for the figures "1950", nd "1951" "1952", wherever they occur, the figures "1951", "1952" and 1953" shall respectively be substituted.

3. *Additional duties of customs and excise.*—The provisions of sections and 8 of, and the Second and Third Schedules to, the Finance Act, 1951 (XXIII of 1951), shall continue in force up to the 31st day of March 1953, and accordingly in each of the said sections for the figures "1952", wherever they occur, the figures "1953" shall be substituted.

4. *Discontinuance of salt duty.*—For the year beginning on the 1st day of April, 1952, no duty shall be levied on salt manufactured in, or imported by sea or land into, the territory of India excluding the State of Jammu and Kashmir.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 708

No. L.D. 2343—Legis. 4-51-106, dated Bangalore, 12th March 1952.

Ordered that the Inflammable Substances Act, 1952 (Central Act XX of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received Assent on 6th March 1952).

THE INFLAMMABLE SUBSTANCES ACT, 1952 (XX OF 1952).

AN

ACT

to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, *and the rules thereunder, and for certain matters connected with such regulation.*

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Inflammable substances Act, 1952.

2. *Definitions.*—In this Act,—

(*a*) "dangerously inflammable substance" means any liquid or other substance declared to be dangerously inflammable by this Act;

(*b*) "Petroleum Act" means the Petroleum Act, 1934 (XXX of 1934).

3. *Declaration of certain substances to be dangerously inflammable.*—The liquids and other substances hereinafter mentioned, namely:—

(1) acetone,
(2) calcium phosphide,
(3) carbide of calcium,
(4) cinematograph films having a nitro-cellulose base,
(5) ethyl alcohol,
(6) methyl alcohol,
(7) wood naphtha,

are hereby declared to be dangerously inflammable.

4. *Power to apply Petroleum Act to dangerously inflammable substances.*—(1) The Central Government may, by notificatiou in the Official

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Gazette, apply any or all of the provisions of the Petroleum Act and of the rules made thereunder, with such modifications as it may specify, to any dangerously inflammable substance, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of "petroleum" under that Act.

(2) The Central Government may make rules providing specially for the testing of any dangerously inflammable substance to which any of the provisions of the Petroleum Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II of that Act, in order to adapt them to the special needs of such tests.

5. *Operation of certain notifications and rules.*—Notifications or rules issued or purporting to have been issued under section 30 of the Petroleum Act between the 1st day of April, 1937, and the date of commencement of this Act shall be deemed to have been issued or made under this Act, and continue in force accordingly.

6. *Validation of certain acts and indemnity in respect thereof.*—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, any inflammable substance since the 1st day of April, 1937, and before the commencement of this Act by any officer of Government or by any person acting under his authority or otherwise in pursuance of an order of the Government in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the Petroleum Act shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

7. *Repeal of section 30, Act XXX of 1934.*—Section 30 of the Petroleum Act is hereby repealed.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 710

No. L.D. 2345—Legis. 4-51-108, dated Bangalore, 12th March 1952.

Ordered that the Code of Criminal Procedure (Amendment) Act, 1952 (Central Act No. XXIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received assent on 6th March 1952).

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1952. (XXIII OF 1952).

AN

ACT

further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1952.

2. *Substitution of new section for section 527 in Act V of 1898.*—For section 527 of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely:—

"527. *Power of Supreme Court to transfer cases and appeals.*—(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction subordinate to another High Court.

(2) The Supreme Court may act under this section only on the application of the Attorney-General of India or of a party interested, and every such application shall be made by motion which shall, except when the applicant is the Attorney-General of India or the Advocate-General, be supported by affidavit or affirmation.

(3) The court to which such case is transferred may act on the evidence already recorded or partly so recorded and partly recorded by itself, or it may re-summon the witnesses and recommence the inquiry or trial;

Provided that in any case so transferred the person accused may, when the court to which the case is transferred commences its proceedings, demand that the witnesses or any of them be re-summoned and reheard.

(4) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider appropriate in the circumstances of the case."

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 712

No. L.D. 2347—Legis. 4-51-110, dated Bangalore, 12th March 1952.

Ordered that the Delhi Special Police Establishment (Amendment) Act, 1952 (Central Act No. XXVI of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received assent on 6th March 1952).

THE DELHI SPECIAL POLICE ESTABLISHMENT (AMENDMENT) ACT, 1952.

(XXVI OF 1952).

AN

ACT

further to amend the Delhi Special Police Establishment Act, 1946.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Delhi Special Police Establishment (Amendment) Act, 1952.

2. *Amendment of the long title and the preamble, Act XXV of 1946.*—In the long title of, and the preamble to, the Delhi Special Police Establishment Act, 1946 (hereinafter referred to as the principal Act), for the words "for the State of Delhi for the investigation of certain offences committed in connection with matters concerning Departments of the Central Government," the words "in Delhi for the investigation of certain offences in Part C States" shall be substituted.

3. *Amendment of section 2, Act XXV of 1946.*—In section 2 of the principal Act,—

(*a*) in sub-section (1),—

(i) the words "for the State of Delhi" shall be omitted, and

(ii) for the words "in that State" the words "in any Part C State" shall be substituted.

(*b*) in sub-section (2) and sub-section (3), for the words "the State of Delhi" the words "any Part C State" shall be substituted.

4. *Amendment of section 3, Act XXV of 1946.*—In section 3 of the principal Act, the words "committed in connection with matters concerning Departments of the Central Government" shall be omitted.

5. *Amendment of section 5, Act XXV of 1946.*—In sub-section (1) of section 5 of the principal Act, for the words "in India outside the State of Delhi" the words and letters "in a Part A State or a Part B State" shall be substituted.

6. *Substitution of new section for section 6, Act XXV of 1946.*—For section 6 of the principal Act, the following section shall be substituted, namely:—

"6. *Consent of State Government to exercise of powers and jurisdiction.*—Nothing contained in section 5 shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a Part A State or a Part B State, not being a railway area, without the consent of the Government of that State."

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION 714

No. I.D. 2313—Legis. 4-51-98 Bangalore, dated 10th March 1952.

Ordered that the Coal Mines (Conservation and Safety) Act, 1952 (Central Act No. XII of 1952) published in Part II, Section 1 of the *Gazette of India*, dated the 4th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 4th March 1952

THE COAL MINES (CONSERVATION AND SAFETY) ACT XII OF 1952

AN

ACT

to provide for the conservation of coal and make further provision for safety in coal mines.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Coal Mines (Conservation and Safety) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Declaration as to expediency of control by Central Government.*—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation of coal mines to the extent hereinafter provided.

3. *Definitions.*—In this Act, unless the context otherwise requires.—

(*a*) "Board" means the Coal Board established under section 4 ;

(*b*) "blendlng" means the process of intimately mixing different varieties of coal so as to provide a mixture which on carbonisation results in coke, which, in the opinion of the Board, is suitable for being used in metallurgical industries, particularly in iron and steel industries ;

(*c*) "coal" includes coke in all its forms ;

(*d*) "coking coal" means such type of coal from which on carbonisation coke suitable, in the opinion of the Board, for being used in metallurgical industries, particularly in iron ond steel industries, can be prepared ;

(*e*) "Chief Inspector" and "Inspector" mean the persons respectively, appointed as the Chief Inspector of Mines and Inspector of Mines under sub-section (1) of section 4 of the Indian Mines Act, 1923

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(IV of 1923) and the provisions of that Act shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Act or the rules made thereunder;

(*f*) "Fund" means the Coal Mines Safety and Conservation Fund constituted under section 12;

(*g*) "India" means the territory of India excluding the State of Jammu and Kashmir;

(*h*) "prescribed" means prescribed by rules made under the Act;

(*i*) "soft coke" means all coke which is unsuitable for being used in metallurgical industries, and "hard coke" means all coke which is not soft coke;

(*j*) "stowing" means the operation of filling with sand or any other material or with both spaces left under-ground in a coal mine by the extraction of coal;

(*k*) "washing" means such a process or a combination of processes as may be approved in this behalf by the Board by which the whole or any part of the shaley and mineral matter found in the coal is removed therefrom;

(*l*) "agent", "mine" and "owner" have the meanings respectively assigned to them in section 3 of the Indian Mines Act, 1923 (IV of 1923).

4. *Establishment of the Board.*—(1) There shall be established a Board, to be called the Coal Board, and such Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

(2) The Board shall consist of a Chairman and such number of other members, not exceeding six, as the Central Government may think fit to appoint and the members (including the Chairman) shall hold office during the pleasure of the Central Government for any period not exceeding five years and shall be eligible for re-appointment:

Provided that the Chairman or any other member of the Board may resign his office by giving notice in writing to the Central Government and shall, on such resignation being accepted by that Government, be deemed to have vacated his office.

(3) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members (including the Chairman) or any defect in the constitution thereof.

5. *Functions of the Board.*—(1) The Board may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and discharge such duties as may be assigned to it by or under this Act.

(2) The Central Government may, by general or special order, delegate to the Board, subject to such conditions and limitations (if any) as may be specified in the order, such of its powers and duties under this Act or under any other law for the time being in force as it may deem necessary for effectively dealing with problems relating to safety in coal mines or conservation of coal and matters connected therewith or incidental thereto.

6. *Powers of the Board in executing operations.*—(1) If in the opinion of the Board, it is necessary or desirable that any measures, including stowing, required in furtherance of the objects of this Act should be undertaken directly by the Board, the Board may execute or cause to be executed such measures under its own supervision.

(2) For the purposes of this section, the Board shall have the right for itself and all persons employed in the execution of any work undertaken under this section to enter upon any property in which the work has to be done, and to do therein all things necessary for the execution of the work.

(3) No person shall obstruct or interfere with the execution of any work undertaken under this section and no person shall remove or tamper with any plant or machinery or any stowing or other materials used in the execution of such work.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. *Powers of Central Government in respect of safety in coal mines and conservation of coal.*—(1) The Central Government may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and take or cause to be taken all such measures as it may deem necessary or proper or as may be prescribed.

(2) Without prejudice to the generality of the foregoing power, the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of maintenance of safety in coal mines or for conservation of coal, including—

(*a*) in any coal mine, stowing for safety; or

(*b*) without prejudice to any order under clause (*a*), in the case of any coal mine producing coking coal or producing coal which on beneficiation is likely to yield coking coal or producing coal suitable for blending, stowing for conservation; or

(*c*) washing of coal with a view to beneficiating and reducing the ash contents of coal and improving its coking qualities.

8. *Imposition of excise duties.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected—

(*a*) on all coal raised and despatched, and on all coke manufactured and despatched, from the collieries in India, such duty of excise not exceeding one rupee per ton as may be fixed from time to time by the Central Government by notification in the Official Gazette, and different rates of duty may be levied on different grades or description of coal or coke:

Provided that the Central Government may, by general or special order, exempt any special grade or grades or description of coal or coke from the levy of such duty of excise;

(*b*) on all coking coal raised and despatched from the collieries in India, such additional duty of excise not exceeding five rupees per ton in the case of coal of Selected Grade A or Selected Grade B, and not exceeding two rupees per ton in the case of coal of Grade I, as may be fixed from time to time by the Central Government by notification in the Official Gazette.

Explanation.—Coal of Selected Grade A, Selected Grade B and Grade I means coal graded as such under the Colliery Control Order, 1945.

(2) Where coking coal, in respect of which an additional duty of excise has been levied and collected under clause (*b*) of sub-section (1), is despatched to any person for use in India and—

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(*a*) the use of coking coal is, in the opinion of the Central Government, essential for carrying on any industrial or other process in which such person is engaged ; or

(*b*) the despatch of the coking coal is made under the orders of the Board, although it was not specifically indented for by such person ;

then, the Central Government shall cause to be paid to that person a sum equivalent to the additional duty of excise so collected on the coking coal received and used by that person.

(3) All notifications issued under this section shall be laid, as soon as may be, before Parliament.

9. *Imposition of customs duty.*—During the period in which any duty of excise is being levied under section 8, the Central Government may, by notification in the Official Gazette, impose on all coal (including soft and hard coke) imported or brought into India from any place outside India, a duty of customs (which shall be in addition to any duty of customs for the time being leviable under any other law), at rates equivalent to the the rates of duties of excise levied under section 8.

10. *Collection of excise duties.*—The duties of excise levied under section 8 shall be collected by such agencies and in such manner as may be prescribed.

11. *Payment to the Coal Board.*—The Central Government may. in each financial year, pay to the Board a sum not exceeding the net proceeds (determined in such manner as may be prescribed) of the duties of excise collected under section 8 during the preceding financial year.

12. *Money received by the Board to be credited to the Fund.*—(1) The sum referred to in section 11 and any other money received by the Board shall be credited to a Fund to be called the Coal Mines Safety and Conservation Fund which shall be applied by the Board, in such manner and subject to such conditions as may be prescribed, to—

(*a*) meeting the expenses in connection with the administration of the Board and the furtherance of the objects of this Act ;

(*b*) the grant of stowing materials and other assistance for stowing operations to the owners, agents or managers of coal mines ;

(*c*) the execution of stowing and other operations in furtherance of the objects of this Act ;

(*d*) the prosecution of research work connected with safety in coal mines or conservation and utilisation of coal ;

(*e*) meeting the cost of administering the Fund and the expenses in connection with Advisory Committees ;

(*f*) the grant to State Governments, research organisations, local authorities and owners, agents or managers of coal mines of money in aid of any scheme approved by the Central Government in furtherance of the objects of this Act ;

(*g*) any other expenditure which the Central Government directs to be defrayed out of the Fund.

(2) The Board shall keep accounts of the Fund, and such accounts shall be examined and audited by the Comptroller and Auditor-General of India at such times and in such manner as he deems fit and the report of the Comptroller and Auditor-General of India shall be laid, as soon as may be, before Parliament.

13. *Powers of Inspectors.*—(1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Act or of any rules and orders made thereunder are being complied with.

(2) The Chief Inspector or any Inspector may, with such assistants, if any, as he thinks fit, enter, inspect and examine at any time by day or night any coal mine in respect of which assistance is being, or has been, given under this Act, in order to ascertain the amount of sand or other materials used in stowing in the mine or to ensure that stowing or any other operation towards which assistance may be granted under this Act, has been, or is being, done effectively :

Provided that the power conferred by this sub-section shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine.

(3) Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923 (IV of 1923), the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

(*a*) the extraction or reduction of pillars in any part of the mine is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the mine, or

(*b*) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.

(4) The powers conferred on the Inspector under sub-sections (1), (2) and (3) may also be exercised by such officers of the Board suitably qualified in this behalf as the Central Government may, by notification in the Official Gazette, specify in this behalf.

14. *Application of Act IV of 1923.*—The provisions of sub-sections (3) to (6) (both inclusive) of section 19 of the Indian Mines Act, 1923 (IV of 1923), shall apply to an order made under sub-section (3) of section 13 of this Act as they apply to an order made under sub-section (2) of section 19 of that Act, and all the provisions of the Indian Mines Act, 1923 [except sub-section (1) of section 11 thereof], affecting committees appointed for the purposes of that Act or relating to the disposal of references made to such committees, shall apply, so far as may be, to a committee appointed to inquire into a reference under this Act and to the disposal of such reference :

Provided that the power conferred by the proviso to sub-section (6) of the said section 19 to suspend the operation of a requisition under sub-section (1) of that section shall include a power similarly to suspend the operation of an order made under sub-section (3) of section 13 of this Act.

15. *Advisory Committees.*—(1) The Central Government may, by notification in the Official Gazette, constitute one or more Advisory Committees consisting of such number of persons and on such terms and conditions as may be prescribed.

(2) It shall be the duty of the Advisory Committees to advise the Central Government or the Board in regard to any matter connected with the administration of the Act in respect of which their advice is sought by the Central Government, or, as the case may be, by the Board.

16. *Protection of acion taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Chairman or any other member of the Board or any officer thereof or any other person in respect of anything which is in good faith done or intended to be done in pursuanse of this Act or of any rules or orders made thereunder.

17. *Power to make rules.*—(1) the Central Government may, be notification in the Official Gazette and subject to the con lition of previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the measures to be taken for the purpose of maintenance of safety in coal mines or for the conservation of coal;

(*b*) the levy, collection and payment of the duties of excise and the imposition, collection and payment of the duty of customs ;

(*c*) the appointment and terms and conditions of service of the Chairman and other members of the Board ;

(*d*) the powers and functions of, and the conduct of business by, the Board ;

(*e*) the determination of the net proceeds of the duties of excise for the purposes of section 11 ;

(*f*) the manner in which, and the conditions subject to which, sums at the credit of the Coal Mines Safety and Conservation Fund may be applied ;

(*g*) the form in which the accounts of the Fund shall be kept ;

(*h*) the composition of any committee of inquiry which may be appointed to inquire into a reference arising out of an order passed under sub-section (3) of section 13, the technical qualifications to be possessed by persons nominated thereto, and the powers and duties of such committee ;

(*i*) the composition of Advisory Committees, their functions, and the terms and conditions of service of members thereof ;

(*j*) recruitment of officers and staff to be appointed by the Board ;

(*k*) any other matter which has to be, or may be, prescribed.

(3) Any rule made under the provisions of this Act may provide that the contravention thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) All rules made under the provisions of this Act shall be laid, as soon as may be, before Parliament.

18. *Act to apply to Government coal mines.*—This Act applies also to coal mines belonging to the Government.

19. *Repeals and savings.*—(1) The Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939) and the Coal Mines (Conservation and Safety) Ordinance, 1952 (I of 1952) are hereby repealed.

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(2) Notwithstanding such repeal, anything done or any action taken (including any rules, notifications or orders made or issued) in the exercise of any power conferred by or under the said Act or Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) As from the 8th day of January 1952, all the moneys lying to the credit of the Coal Mines Stowing Fund under the Act hereby repealed shall be deemed to have been transferred to, and to vest in, the Board and to form part of the Coal Mines Safety and Conservation Fund.

K. V. K. SUNDARAM,

Secretary to the
Government of India.

NOTIFICATION. 721

No. L.D. 2339--Legis. 4-51-104, dated Bangalore, 12th March 1952.

Ordered that the Employees' Provident Funds Act, 1952 (Central Act No. XIX of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 5th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 4th March 1952.)

THE EMPLOYEES' PROVIDENT FUNDS ACT, XIX OF 1952.

AN

ACT

to provide for the institution of provident funds for employees in factories and other establishments.

BE it enacted by Parliament as follows :

1. *Short title, extent and application.*—(1) This Act may be called the Employees' Provident Funds Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions contained in section 16, it applies in the first instance to all factories engaged in any industry specified in Schedule I in which fifty or more persons are employed, but the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to all factories employing such number of persons less than fifty as may be specified in the notification and engaged in any such industry.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government", means—

(i) in relation to a factory engaged in a controlled industry or in an industry connected with a mine or an oil field, the Central Government, and

(ii) in relation to any other factory, the State Government;

(*b*) "basic wages" means all emoluments which are earned by an employee while on duty or on leave with wages in accordance with the terms of the contract of employment and which are paid or payable in cash to him, but does not include—

(i) the cash value of any food concession ;

(ii) any dearness allowance (that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living), house-rent allowance, overtime allowance, bonus, commission or any other similar allowance payable to the employee in respect of his employment or of work done in such employment ;

(iii) any presents made by the employer ;

(*c*) "contribution" means a contribution payable in respect of a member under a Scheme ;

(*d*) "controlled industry" means any industry the control of which by the Union has been declared by a Central Act to be expedient in the public interest ;

(*e*) "employer" in relation to a factory means the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (*f*) of sub-section (1) of section 7 of the Factories Act, 1948 (LXIII of 1948), the person so named ;

(*f*) "employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of a factory, and who gets his wages directly or indirectly from the employer, and includes any person employed by or through a contractor in or in connection with the work of the factory ;

(*g*) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on, whether with the aid of power or without the aid of power ;

(*h*) "Fund" means the provident fund established under a Scheme ;

(*i*) "industry" means any industry specified in Schedule I, and includes any other industry added to the Schedule by notification under section 4 ;

(*j*) "member" means a member of the Fund ;

(*k*) "occupier of a factory" means the person who has ultimate control over the affairs of the factory, and, where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory ;

(*l*) "Scheme" means a Scheme framed under this Act.

3. *Power to apply Act to establishment which has a common provident fund with a factory.*—Where immediately before this Act becomes applicable to a factory there is in existence a provident fund which is common to the employees employed in a factory to which this Act applies and employees in any other establishment, the Central Government may, by notification in the Official Gazette, direct that the provisions of this Act shall also apply to that establishment, and thereupon the establishment shall be deemed to be a factory for all the purposes of this Act.

4. *Power to add to Schedule I.*—(1) The Central Government may, by notification in the Official Gazette, add to Schedule I any other industry in respect of the employees whereof it is of opinion that a provident fund scheme should be framed under this Act, and thereupon the industry so added shall be deemed to be an industry specified in Schedule I for the purposes of this Act.

(2) All notifications under sub-section (1) shall be laid before Parliament, as soon as may be, after they are issued.

5. *Employees' Provident Fund Schemes.*—The Central Government may, by notification in the Official Gazette, frame a Scheme to be called the Employees' Provident Fund Scheme for the establishment of provident funds under this Act for employees or for any class of employees and specify the factories or class of factories to which the said Scheme shall apply.

6. *Contributions and matters which may be provided for in Schemes.*—(1) The contribution which shall be paid by the employer to the Fund shall be six and a quarter per cent of the basic wages and the dearnesss allowance for the time being payable to each of the employees, and the employee's contribution shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires and if the Scheme makes provision therefor, be an amount not exceeding eight and one-third per cent of his basic wages and dearness allowance:

Provided that where the amount of any contribution payable under this Act involves a fraction of a rupee, the Scheme may provide for the rounding off of such fraction to the nearest rupee, half of a rupee or quarter of a rupee.

Explanation.—For the purposes of this sub-section, dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

(2) Subject to the provisions contained in sub-section (1), any Scheme may provide for all or any of the matters specified in Schedule II.

7. *Modification of Scheme.*—(1) The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme framed under this Act.

(2) All notifications under sub-section (1) shall be laid before Parliament, as soon as may be, after they are issued.

8. *Mode of recovery of moneys due from employers.*—Any amount due from an employer in respect of any contribution payable under this Act or towards the cost of administering the Fund payable by him under any Scheme may, if it is in arrear, be recovered by the appropriate Government in the same manner as an arrear of land revenue.

9. *Fund to be recognised under Act XI of 1922.*—For the purposes of the Indian Income-tax Act, 1922 (XI of 1922), the Fund shall be deemed to be a recognised provident fund within the meaning of Chapter IX-A of that Act.

10. *Protection against attachment.*—(1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member, and neither the official assignee appointed under the Presidency-towns Insolvency Act, 1909 (III of 1909), nor any receiver appointed under the Provincial Insolvency Act, 1920 (V of 1920), shall be entitled to, or have any claim on, any such amount.

(2) Any amount standing to the credit of any member in the Fund at the time of his death and payable to his nominee under the Scheme shall, subject to any deduction authorised by the said Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or incurred by the nominee before the death of the member.

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11. *Priority of payment of contributions over other debts.*—The amount due in respect of any contribution under this Act or under any Scheme and any charges incurred in respect of the administration of the Fund under any Scheme shall, where the liability therefor has accrued before the person liable is adjudicated insolvent, or, in the case of a company ordered to be wound up, before the date of such order, be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909) or under section 61 of the Provincial Insolvency Act, 1920 (V of 1920) or under section 230 of the Indian Companies Act, 1913 (VII of 1913) are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

12. *Employer not to reduce wages.*—No employer shall, by reason only of his liability for any contribution payable under this Act, reduce, whether directly or indirectly, the wages of any employee, or, except as provided by any Scheme, discontinue or reduce any benefit (similar to any benefit conferred by this Act or by any Scheme) to which the employee is entitled under the terms of his employment.

13. *Inspectors.*—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act or of any Scheme, and may define their jurisdiction.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Act or with any Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of any Scheme have been complied with—

(*a*) require an employer to furnish such information as he may consider necessary in relation to the Scheme;

(*b*) at any reasonable time enter any factory or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the factory;

(*c*) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the factory or any premises connected therewith or whom the Inspector has reasonable cause to believe to be or to have been, an employee in the factory;

(*d*) make copies of, or take extracts from, any book, register or other documents maintained in relation to the factory;

(*e*) exercise such other powers as the Scheme may provide.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

14. *Penalties.*—(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act or under any Scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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(2) A Scheme framed under this Act may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or or with both.

(3) No court shall take cognizance of any offence punishable under this Act or under any Scheme except on a report in writing of the facts constituting such offence made with the previous sanction of such authority as may be specified in this behalf by the appropriate Government, by an Inspector appointed under Section 13.

15. *Special provisions relating to existing provident funds*.—(1) Every employee who is a subscriber to any provident fund established by the employer and in existence on the 15th day of November, 1951, shall, pending the framing of a Scheme in respect of the factory in which he is employed, continued to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Act had not been passed.

(2) On the framing of any such Scheme as is referred to in sub-section (1), the accumulations standing to the credit of the employees in the provident fund shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the Fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.

16. *Act not to apply to factories belonging to Government or local authority and also to infant factories*.—This Act shall not apply to—

(*a*) any factory belonging to the Government or a local authority, and

(*b*) any other factory, established whether before or after the commencement of this Act, unless three years have elapsed from its establishment.

17. *Power to exempt*.—The appropriate Government may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt from the operation of this Act, or of any scheme—

(*a*) any factory to which this Act applies if the rules of its provident fund with respect to contributions are in conformity with, or are more favourable to the employees therein than, those specified in this Act, and, if, in the opinion of the appropriate Government, the employees are otherwise in enjoyment of provident fund benefits generally which are on the whole not less favourable to the employees than the benefits provided under this Act or under any scheme in relation to employees in any factory of a similar character;

Explanation.—The following conditions shall be deemed to be always included in the conditions which may be specified in a notification under clause (*a*), namely:—

(*i*) the amount of accumulations in the provident fund shall be invested in such manner as the Central Government may direct;

(*ii*) the amount of accumulations to the credit of an employee in the provident fund shall, where he leaves his employment and obtains re-employment in another factory to which this Act applies within such time as may be specified in this behalf by the Central Government, be transferred to the credit of his account in the Fund established under the Scheme applicable to the factory;

(*b*) any class of persons employed in any factory, if the Central Government is of opinion that such class of persons is entitled to benefits in the nature of old age pension or gratuity or both, benefits which are on the whole not less favourable to such persons than the benefits provided under this Act or under any Scheme in relation to persons employed in any factory of a similar character:

Provided that no notification under clause (*b*) shall be issued unless the Central Government is satisfied that the majority of persons so employed desire to continue to be entitled to such benefits:

Provided further that it shall be a condition of every such notification that it shall not apply to any person who has been employed in the factory for not less than ten years and who by a declaration in writing opts for the benefits to which he was entitled before the date of the notification.

18. *Protection for acts done in good faith.*—No suit or other legal proceeding shall lie against an Inspector or any other person in respect of anything which is in good faith done or intended to be done under this Act or under any Scheme.

19. *Delegation of powers to the State Government.*—The Central Government may, by notification in the Official Gazette, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act or of any Scheme as may be specified in the notification shall, subject to such conditions and restrictions as may be so specified, be exercisable also by any State Government.

20. *Repeal of Ordinance VIII of 1951.*—(1) The Employees' Provident Funds Ordinance, 1951 (VIII of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

SCHEDULE I

[*See* sections 2 (*i*) and 4]

Any industry engaged in the manufacture or production of any of the following, namely:—

Cement.

Cigarettes.

Electrical, mechanical or general engineering products.

Iron and steel.

Paper.

Textiles (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial).

SCHEDULE II 727

[*See* section 6 (2)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN A SCHEME.

1. The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.

2. The time and manner in which contributions shall be made to the Fund by the employers and by, or on behalf of, employees, the contributions which an employee may, if he so desires, make under sub-section (1) of section 6, and the manner in which such contributions may be recovered.

3. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.

4. The constitution of boards of trustees for the administration of Funds, each of which shall consist of—

(*a*) nominees of the Central Government;

(*b*) nominees of such State Governments as the Central Government may, having regard to the jurisdiction of the board, specify in this behalf;

(*c*) representatives of the employers and employees concerned, nominated by the Central Government after consultation with the employers and employees concerned or with such of their respective organisations as are representative of their interests, provided that the number of representatives of the employees shall in no case be less than the number of representatives of the employers.

5. The number of trustees on any board, the terms and conditions subject to which they may be nominated, the time, place and procedure of of meetings of the board, the appointment of officers and other employees of the board, and the opening of regional and other offices.

6. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government or to any specified State Government.

7. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or foreiture.

8. The fixation by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.

9. The form in which an employee shall furnish particulars about himself and his family whenever required.

10. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

11. The registers and records to be maintained with respect to employees and the returns to be furnished by employers.

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12. The form or design of any identity card, token or disc for the purpose of identifying any employee, and for the issue, custody and replacement thereof.

13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions or defaults which shall be punishable under sub-section (2) of section 14.

15. The further powers, if any, which may be exercised by inspectors.

16. The manner in which accumulations in any existing provident fund shall be transferred to the Fund under section 15, and the mode of valuation of any assets which may be transferred by this employers in this behalf.

17. The conditions under which a member may be permitted to pay premia on life insurance, from the Fund.

18. Any other matter which may be necessary or proper for the purpose of implementing the Scheme.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION 229

No. L.D. 1762—Legis. 4-51-79, dated Bangalore, 22nd December 1951.

Ordered that the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951 (Central Act LXXI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 29th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

Received Assent on 28th November 1951.

THE ANCIENT AND HISTORICAL MONUMENTS AND ARCHÆOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) ACT, 1951.

(LXXI OF 1951)

AN

ACT

to declare certain ancient and historical monuments and archæological sites and remains in Part A States and Part B States to be of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951.

2. Declaration of certain monuments and archæological sites and remains to be of national importance.—The ancient and historical monuments referred to or specified in Part I of the Schedule and the archæological sites and remains referred to or specified in Part II thereof are hereby declared, respectively, to be ancient and historical monuments and archæological sites and remains of national importance.

3. Application of Act VII of 1904 to ancient monuments, etc., declared to be of national importance.—All ancient and historical monuments and all archæological sites and remains declared by this Act to be of national importance shall be deemed to be protected monuments and protected areas, respectively, within the meaning of

the Ancient Monuments Preservation Act, 1904, and the provisions of that Act shall apply accordingly to the ancient and historical monuments or archæological sites and remains, as the case may be, and shall be deemed to have so applied at all relevant times.

THE SCHEDULE.

(*See* section 2)

PART I

Ancient and Historical Monuments

I. All ancient and historical monuments in Part A States and Part B States which, before the commencement of this Act, have either been declared by the Central Government, to be protected monuments within the meaning of the Ancient Monuments Preservation Act, 1904, or which have been taken possession of by the Central Government as protected monuments.

II. The following ancient and historical monuments in Part B States not covered by Item No. I immediately preceding :—

Sl. No.	Name of monument	Locality
	HYDERABAD STATE.	
	District Aurangabad	
1	Ajanta Caves	Ajanta
2	Aurangabad Caves	Aurangabad
3	Daulatabad Fort and Monuments therein (*e.g.*, Chand Minar).	Daulatabad
4	Ellora Caves	Ellora
5	Pithalkhora Caves	Pithalkora
6	Tomb of Aurangzeb	Khuldabad
7	Tomb of Malik Ambar	Do
8	Tomb of Rabia Daurani (Bibi-ka-Maqbara) ...	Aurangabad
	District Bidar	
9	Baihmani Tombs	Ashtur
10	Barid Shahi Tombs	Bidar City
11	Bidar Fort	Do
12	Madrasa Mahmud Gawan	Do
	District Gulbarga	
13	Gulbarga Fort and Great Mosque in the Fort ...	Gulbarga
14	Hafth Gumbad Tomb of Firoz Shah	Do
	District Hyderabad	
15	Char Minar	Hyderabad City
16	Golconda Fort and Tombs	Golconda
	District Parbhani	
17	Nagnath Temple	Aundha
	District Raichur	
18	Alampur Temples	Alampur
19	Mahadev Temple	Ittagi

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Sl. No.	Name of monument	Locality
	HYDERABAD STATE—*concld.*	
	District Warangal	
20	Ramappa Temple	... Palampet
21	Thousand Pillar Temple ...	... Hanamkonda
22	Warangal Fort, Defences and Gateways	... Warangal
	MADHYA BHARAT STATE	
	District Bhilsa	
1	Athakhamba	... Gyaraspur
2	Bajramath	... Do
3	Hindola Torana	... Do
4	Maladevi Temple	... Do
5	Bara Khambi	... Udaypur
6	Pisnarika Temple	... Do
7	Udayeshwar Mahadeva Temple ...	... Do
8	Bhimagaja	... Pathari
9	Caves	... Do
10	Bijamandal Mosque	... Bhilsa
11	Lohangi Hill Capital	... Do
12	Caves 1 to 20	... Udaygiri
13	Dashavatara Temple	... Badoh
14	Gadarmal Temple	... Do
15	Jain Temple	... Do
16	Sola Khambi	... Do
17	Khamb Baba (Heliodoras Pillar) ...	... Besnagar
	District Bhind	
18	Brick Temples (two)	... Kherat
19	Open Air Museum	... Do
20	Fort	... Ater
	District Dewas	
21	Siddheshwar Temple	... Nemawar
22	Unfinished Temple	... Do
	District Dhar	
23	Adar Gumbaz	... Mandu
24	Alamgir Gate	... Do
25	Ancient Hindu Baodi	... Do
26	Ancient Hindu Well	... Do
27	Andheri Baodi	... Do
28	Ashrafi Mahal	... Do
29	Baz Bahadur's Palace	... Do
30	Bhagwania Gate	... Do
31	Bhangi Gate	... Do
32	Champa Baodi	... Do
33	Chhapan Mahal	... Do
34	Chistikhan's Mahal	... Do
35	Chor Kot	... Do
36	Charakot Mosque	... Do
37	Nahar Jharokha Compound ...	... Do
38	Daika Mahal	... Do
39	Daike Chhote Behen ka Mahal ...	... Do
40	Darya Khan's tomb	... Do

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Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Dhar—contd.	
41	Delhi Gate	Mandu
42	Dharmashalla	Do
43	Dilawarkhan's Mosque	Do
44	Ek-khamba Mahal	Do
45	Gadhasa's Palace	Do
46	Gadhasa's shop	Do
47	Gadi Dharmaja	Do
48	Hammam	Do
49	Hathi Gate	Do
50	Hathi Mahal	Do
51	Hindola Mahal	Do
52	Hoshang's tomb	Do
53	Jahaz Mahal	Do
54	Jahangirpur Gate	Do
55	Jama Masjid	Do
55A.	Kali Baodi	Do
56	Kapoor Talao and the ruins on its banks	Do
57	Lal Bag	Do
58	Lal Bungalow	Do
59	Lohani Caves	Do
60	Lohani Gate	Do
61	Jali Mahal	Do
62	Nahar Jharoka	Do
63	Mahmud's tomb	Do
64	Malik Moghi's Mosque	Do
65	Mosque near Sopi Tanka	Do
66	Mosque near Tarapur Gate	Do
67	Mosque north-west of Daryakhan's tomb	Do
68	Nameless Tomb	Do
69	Nameless Tomb	Do
70	Nameless Tomb	Do
71	Nameless Tomb	Do
72	Neelkanth	Do
73	Rampol Gate and the Mosque opposite to it	Do
74	Royal Palaces	Do
75	Rupmati Pavilion	Do
76	Caravan Sarai	Do
77	Sarai near Daryakhan's Tomb	Do
78	Sat Kothari Cave	Do
79	Somoti Kund	Do
80	Songarh Gate	Do
81	Tarapur Gate	Do
82	Teveli Mahal	Do
83	Tomb and Mosque attached	Do
84	Tomb north of Almgir Gate	Do
85	Tomb north of Daryakhan's tomb	Do
86	Tower of Victory	Do
87	Tripolia Gate	Do
88	Ujali Baodi	Do
89	Water Palace	Do

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Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Dhar—concld.	
90	Bhoja Shala and Kamal Maula's Mosque	Dhar
91	Latki Masjid	Do
92	Buddhist Caves 1 to 7	Bagh
93	Water Palace	Sadalpur
	District Gwalior	
94	Mahadeva Temple	Amrol
95	Tila Monument	Pawaya
96	Tomb of Mohammad Ghaus	Gwalior
	District Guna	
97	Jain Temples 1 to 5	Budhi Chanderi
98	Chanderi Fort and:	
	Bada Madarasa	Chanderi
	Battisi Baodi	Do
	Badal Mahal gateway	Do
	Jama Masjid	Do
	Kati Ghati	Do
	Koshak Mahal	Do
	Nizam-ud-din's tomb	Do
	Shahajadi-ka-Roza	Do
99	Mohajamata temple	Terahi
100	Monastery	Do
101	Torana gate	Do
102	Monastery	Kadwaha
103	Temples 2 to 7	Do
	District Gwalior	
104	Gwalior fort:	
	Chaturbhuj temple	Gwalior
	Mansingh's Palace	Do
	Rock cut Jain colossi	Do
	Sas Bahu temples	Do
	Teli ka Mandir	Do
	District Khargone	
105	Ballaleshwar	Un.
106	Chaubara Dera	Do
107	Gupteshwar	Do
108	Jain temples 1 to 3	Do
109	Temples of Mahakaleshwar 1 and 2	Do
110	Temple of Nilakantheswar	Do
	District Mandasor	
111	Brahmanical Rockcut temples	Dhamnar
112	Buddhist Caves	Do
113	Nau Torana temple	Khor
114	Yasodharman's Pillars of Victory	Sondni

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Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Murena	
115	Ekottarso Mahadeva temple	Mitaoli
116	Gadhi	Padhavli
117	Kakanmadh temple	Suhania
118	Temple	Padhavli
119	Temples 1 to 22	Naresar
	District Sivapuri	
120	Large Shiva temple	Mahua
121	Small Shiva temple	Do
122	Monastery	Ranod
123	Monastery	Surwaya
124	Open air museum	Do
125	Shiva temple	Do
126	Surwaya Gadhi	Do
	MYSORE STATE	
	District Bangalore	
1	Aprameyaswamy Temple	Malur
2	Ashurkhana	Doddaballapur
3	Cenotaph	Bangalore
4	Old Dungeon Fort and Gates	Do
5	Tipu Sultan's Palace	Do
6	Fort	Devanahalli
7	Tipu Sultan's Birthplace	Do
8	Syed Ibrahim's Tomb or Bada Makkan	Channapatna
	District Chitaldrug	
9	Akkatangi temple and Asoka inscription on Emmethammananagundu	Siddapur
10	Asoka inscriptions	Brahmagiri
11	Fortress and temples on the hill	Chitaldrug
12	Hariharesvara temple	Harihar
13	Inscription and Jatingi, Rameswar temple	Jatingi Rameswara Hill
14	Santhebagilu and Rangayyanabagilu with preserved bastions	Chitaldrug
	District Hassan	
15	Adinatha Basti	Halebid
16	Hoyasalesvara temple	Do
17	Kedaresvara temple	Do
18	Parsvanatha Basti	Do
19	Santhinatha Basti	Do
20	Akkana Basti	Sravanabelgola
21	Chandragupta Basti	Do
22	Chavundaraya Basti	Do
23	Gomatesvara	Do
24	Inscriptions	Do
25	Parsvanatha Basti	Do
26	Buchesvara temple	Koravangala
27	Fort and Dungeons	Manjarabad

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Sl. No.	Name of monument	Locality
	MYSORE STATE—*contd.*	
	District Hassan—concld.	
28	Isvara temple ...	... Arsikere
29	Kalyani ...	... Hulikere
30	Kesava temple and inscriptions ...	... Belur
31	Lakshmidevi temple ...	... Doddagaddavalli
32	Lakshminarasimha temple ...	... Nuggeballi
33	Sadashiva temple ...	... Do
34	Nagesvara and Chennakesava temple ...	... Mosale
	District Kadur	
35	Amritesvara temple	... Amritapura
36	Yupastambha and Isvara temple ...	... Hiremagalur
37	Vidyasankara temple ...	... Sringeri
38	Viranarayana temple ...	... Belavadi
	District Kolar	
39	Bhoganandisvara temple ...	... Nandi Hills
40	Tipu's Palace ...	... Do
41	Yoganandisvara temple ...	... Do
42	Haidar Ali's Birthplace ...	... Budikote
43	Kolaramma temple ...	... Kolar
44	Mokhbara (Mausoleum of Hyder Ali's father)	... Do
45	Somesvara temple ...	... Do
46	Ramalingesvara temples and inscriptions ...	... Avani
	District Mysore	
47	Arkesvara temple	... Hale Alur
48	Gaurisvara temple	... Yelandur
49	Kesava temple	... Somanathapur
50	Kirthinarayana temple	... Talkad
51	Vaidyesvara temple	... Do
52	Lakshmikanta temple	... Mullur
53	Mallikarjuna temple ..	... Basral
54	Ramesvara temple ...	... Narasamangala
55	Sidlu Mallikarjuna temple ...	... Bettadapur
56	Srikantesvara temple ...	... Nanjangud
57	Sri Vijayanarayana temple ...	... Gundlupet
	District Mandya	
58	Colonel Bailey's Dungeon ...	... Seringapatam
59	Daria Daulat Bagh	... Do
60	Gumbaz containing tomb of Tipu Sultan...	... Do
61	Jumma Masjid	... Do
62	Obelisk Monuments and Fort walls near the breach	... Do
63	Spot where Tipu's body was found ...	... Do
64	Sri Kanthirava statue in Narasimha temple	... Do
65	Sri Ranganathaswami temple	... Do
66	T Innman's Dungeon	... Do
67	Kesava temple ...	... Nagamangala
68	Lakshminarasimha temple ...	... Marehalli
69	Lakshminarayana temple ...	... Hosaholalu

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Sl. No.	Name of monument	Locality
	MYSORE STATE—*contd.*	
	District Mandya—contd.	
70	Lakshminarayana temple ...	... Sindhaghatta
71	Narayanasvami temple ...	... Melkote
72	Panchakuta Basti ...	... Kambadahalli
73	Panchalingesvara temple ...	... Govindanahalli
74	Temples ...	... Tonnur
	District Shimoga	
75	Aghoresvara temple ...	... Ikkeri
76	Anekal temple ...	... Bandalike
77	Somesvara temple ...	... Do
78	Trimurthinarayana temple ...	... Do
79	Bastis and inscriptions ...	... Huncha
80	Bherundesvara temple ...	... Belgavi
81	Kedaresvara temple ...	... Do
82	Tripurantesvara temple ...	... Do
83	Devaganga ponds ...	... Basavanabyane
84	Fort ...	... Chennagiri
85	Fort ...	... Kavaledurga
86	Fortress and Renuka temple ...	... Chandragutti
87	Inscribed pillar	... Malavalli
88	Inscribed pillar ...	... Talagunda
89	Pranavesvara temple ...	... Do
90	Jain basti with Brahmadeva Pillar ...	... Melagi
91	Kaitabhesvara temple ...	... Kubatur
92	Parsvanatha Basti ...	... Do
93	Ramesvara temple ...	... Do
94	Mallikarjuna and Ramesvara temples ...	... Kadkalsi
95	Musafirkana and Honda ...	... Santhebennur
96	Palace site outside Fort ...	... Nagar
97	Ramesvara temple ...	... Keladi
98	Ramesvara temple ...	... Kudli
99	Shahji's tomb ...	... Hodigere
100	Shivappa Naik's fort ...	... Nagar
101	Temples and inscriptions ...	... Udri
102	Ditto ...	... Kuppagadde
	District Tumkur	
103	Channigaraya temple ...	... Aralaguppe
104	Fort ...	... Madhugiri
105	Jumma Masjid ...	... Sira
106	Mallik Rihan Darga ...	... Do
107	Kedaresvara temple ...	... Nagalapura
108	Ouennakesava temple ...	... Do
	PATIALA AND EAST PUNJAB STATES UNION	
	District Bhatinda	
1	Bhatinda fort ...	... Bhatinda
	District Kandaghat	
2	Pinjaur gardens and monuments of Fidai Khan	... Pinjaur

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Sl. No.	Name of monument	Locality
	RAJASTHAN STATE	
	District Alwar	
1	Gumbad Khan-i-Khana ...	... Alwar
2	Siva temple ...	... Do
	District Banswara	
3	Neel Kantha Mahadeva's temple ...	... Banswara
4	Siva temple and Ruins ...	... Arthuna
5	Sun temple ...	... Talwara
	District Bharatpur	
6	Akbar's Chhatri ...	... Bayana
7	Ancient Fort with its monuments ...	... Do
8	Brahmabad Idgah ...	... Do
9	Islam Shah's Gate ...	... Do
10	Jahangir's Gateway ...	... Do
11	Jhajri ...	... Do
12	Lodhi's Minar ...	... Do
13	Saraj Sada-ul-lah ...	... Do
14	Usha Mandir ...	... Do
15	Chaurasi Khamba temple ...	... Kaman
16	Colossal image of Yaksha ...	... Noh
17	Deeg Bhawans (palace) ..	... Deeg
18	Looted Gun ...	... Do
19	Marble Jhoola ...	... Do
20	Delhi Gate ...	... Bharatpur Fort (out side)
21	Fateh Burj near Anah Gate ...	... Bharatpur
22	Jawahar Burj and ashtadhatu gateway ...	... Bharatpur Fort (inside)
23	Lal Mahal ...	... Rupvas
	District Bikaner	
24	Bhandasar Jaina temple ...	... Bikaner
25	Fort Bhatner ...	... Hanumangarh
26	Jain temple of Susani Goddess ...	... Morkhena village
27	Pallu Jaina sculptures ...	... Bikaner
	District Bundi	
28	Wall paintings of Hardoti school in the palace	... Bundi
	District Dholpur	
29	Jogni Jogna temple ...	... Dholpur
30	Sher Garh Fort ...	... Do
	District Dungarpur	
31	Jaina temple inscription ...	... Baroda
32	Somnath temple ...	... Dev Somnath
	District Jaipur	
33	Banjaronki Chhatri containing two pillars similar to the railing pillars of Bharhut stupa.	Lalsote

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Sl. No.	Name of monument	Locality
	RAJASTHAN STATE—*contd.*	
	District Jaipur—contd.	
34	Baori ...	... Abaneri
35	Harsat Mata-ka-Mandir ...	... Do
36	Baories old ...	... Todaraisingh
37	Kala Pahar temple ...	... Do
38	Kalyanraiji's temple ...	... Do
39	Laxmi Narainji's temple ...	... Do
40	Pipaji's temple (near dispensary) ...	... Do
41	Bisal Deoji's temple ...	... Bisalpur
42	Fresco paintings in the Ambar Palaces (personal property of the Maharaja).	Ambar
43	Harshnath temple ...	... Harshnath—Sikar
44	Jama Masjid ...	... Ambar
45	Laxmi Narainji's temple ...	... Do
46	Sri Jagat Siromaniji temple ...	... Do
47	Sun temple ...	... Do
48	Hathi Batha.	... Kakore
49	Inscription in Fort ...	... Nagar
50	Mand Kila tal inscription ...	... Do
51	Yupa pillars in Bichpuria temple ...	... Do
52	Inscription ...	... Panwar
53	Jain temple ...	... Sawai Madhopur
54	Persian inscription in a Baori ...	Alanpur. ... Do
55	Punderikji ki Haveli—Paintings in a room	... Brahmpure
56	Ranthambhore fort ...	... Ranthambore
57	Temple containing Fresco paintings	... Gultaji
58	Yupa pillars recovered from mounds	... Barnala
	District Jaisalmer	
59	Fort including ancient temples ...	... Jaisalmer
	District Jhalawar	
60	Buddhist Caves ...	... Hathiagor
61	Buddhist Caves, Pillars, Idols ...	... Kolvi (Dag)
62	Buddhist Caves and Pillars ...	... Binnayaga (Dag)
63	Caves of Naranjani, etc. ...	... Do
64	Old temples near the Chandrabhaga	... Jhalrapatan
	District Jodhpur	
65	Fort ...	... Mandore
	District Karauli	
66	Wall paintings in the Palaces of Maharaja Gopal Lal.	Karuli
	District Kotah	
67	Old temples, statues and inscriptions	... Shergarh
68	Siva temple and two unpublished Gupta inscriptions.	Charchoma
69	Temple (12th century) ...	... Baran
70	Temple, fort wall and statues ...	... Dara or Mukandara
71	Temple with inscriptions ...	... Kanswa
72	Yupa pillars ...	... Badva

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Sl. No.	Name of monument	Locality
	RAJASTAN STATE—*contd.*	
	District Udaipur	
73	Fort of Chitor as a whole	Chitor
74	Fort of Kumbhalgarh as a whole	Kumbhalgarh
75	Maha Kal and two other temples	Bijholi
76	Rock inscription (12th century)	Do
77	Sas Bahu temples	Nagada
	SAURASHTRA STATE	
1	Ananteshwar temple	Anandpur
2	Ashokan Rock	Junagadh
3	Caves	Do
4	Darbargadh Halvad	Halvad
5	Dhank Caves	Dhank
6	Gop temple	Gop
7	House where Mahatma Gandhi was born and Kirti Mandir.	Porbandar
8	Inscription in the Harsata Mata temple	Veraval
9	Jain temples	Talaja
10	Jama Masjid	Veraval
11	Jami Masjid and Rahimat Masjid, Raveli Masjid	Mangrol
12	Navlakha temple and Step well	Ghumli
13	Navlakha temple	Sejakpur
14	Neminath temple with 3 inscriptions V. S. 1333, 35, 39.	Mt. Girnar
15	Nilakantha temple	Anandpur
16	Pindara, Durvasa Rishi's Ashram and its site	Pindara
17	Ra Khengar Mahal (temple)	Mt. Girnar
18	Ranak Devi's Temple	Wadhwan
19	Sun temple	Than
20	Surya temple	Sutrapada
21	Talaja Caves	Talaja
22	Temples—	Shatrunjay Hill
	Adishwar temple	
	Balabhai's temple	
	Bhulavani temple	
	Chaumukha temple	
	Dalpet Bhai and Bhagu Bhai's Shrine	
	Keshwaji Nayak temple	
	Moti Shah's Tuk temple	
	Nandeshwara Dipa temple	
	Panch Pandava temple	
23	Vastupal Temple	Junagadh
24	Varaha Mandir	Kadwar
	TRAVANCORE-COCHIN STATE	
	District Trichur	
1	Mural Paintings (16—17th Century) on the walls of the Tenkailasanatha temple.	Trichur
2	Mural Paintings (16—17th Century) on the walls of the Mattancheri Palace.	Mattancheri town
3	Mural Paintings (16—17th Century) on the walls of the Siva Temple.	Thiruvanchikulam

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Sl. No.	Name of monument	Locality
	TRAVANCORE-COCHIN STATE—*contd.*	
	District Trichur—contd.	
4	Mural Paintings (17—18th Century) on the walls of the Srikoil of the Siva Temple at Chemmanthatta.	Eyyal
5	Mural Paintings on the walls of the Srikoil of the Pallimanna temple.	Vadakkanchery
6	Mural Paintings on the walls of the Sriramaswami temple at Triprayar.	Triprayar
7	Mural Paintings of the 17—18th century on the walls of the Srikoils of ibe Siva Temple at Peruvanam; and wooden bracket images of a still earlier period on the Srikoils of the same shrine.	Oorakam
8	Twenty-nine wooden bracket images on the outer walls of the Srikoil of the Vishnu Temple at Katavallur and other works of art in the same shrine.	Katavallur

PART II

Archæological sites and remains

I. All archæological sites and remains in Part A States and Part B States which, before the commencement of this Act, have either been declared by the Central Government to be protected areas or which have been taken possession of by the Central Government as protected areas.

II. The following archæological sites and remains in Part B States not covered by Item No. I immediately preceding :—

Sl. No.	Name of archæological site or remains	Locality
	HYDERABAD STATE	
	District Aurangabad	
1	Ancient mound ...	... Paithan
	District Gulbarga	
2	Prehistoric site ...	... Evathalli
3	Do ...	... Rajankallur
	District Medak	
4	Ancient mound ...	... Kondspur
	District Raichur	
5	Ancient mound ...	... Kopbal
6	Do ...	... Maski
7	Prehistoric site ...	... Benkal
	District Warangal	
8	Prehistoric site ...	... Janampet
	MADHYA BHARAT STATE	
	District Bhilsa	
1	Ancient site ...	... Besnagar
2	Buddhist stupa ...	... Gyaraspur
3	Ruins of Gupta temple ...	... Udaygiri

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Sl. No.	Name of archæological site or remains	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Dhar	
4	Ruins in Bhoipura ...	... Mandu
5	Ruins on the west of Rewa Kund ...	... Do
	District Newar	
6	Excavated site ...	... Kasrawad
	District Gird	
7	Ancient site ...	... Pawaya
	District Ujjain	
8	Ancient mounds, *viz.*, Bhairon Gadh, Vaishya Tekri, Kumbhar Tekri.	Ujjain
	MYSORE STATE	
	District Bangalore	
1	Prehistoric site ...	... Chikjala
2	Do ...	... Hejjala
3	Do ...	... Managondanahalli
4	Do ...	... Sevandurga
	District Chitaldrug	
5	Prehistoric site ...	... Brahmagiri
6	Do ...	... Chandravalli
	District Kolar	
7	Prehistoric site ...	... Hunkunda
	District Mysore	
8	Prehistoric site ...	... Kittur
	RAJASTHAN STATE	
	District Alwar	
1	Ancient remains ...	... Pandrupol
2	Ancient site ...	... Bhangadh
	District Banswara	
3	Ancient remains ...	... Vithal Deva
	District Bharatpur	
4	Ancient mound ...	... Malah
5	Do ...	... Noh
	District Bikaner	
6	Ancient mounds	Badopal
7	Do	Bhadrakali
8	Do	Bhannar Theri
9	Do	Dhokal
10	Do	Manak
11	Do	Munda
12	Do	Peer Sultan
13	Do	Rang Mahal
	In the neighbourhood of Suratgarh town.	
14	Ancient mounds (3) ...	... Kalibanga
15	Ancient mound ...	... Pilibanga
16	Do ...	... Baror (Anupgarh Tahsil).
17	Ancient mounds (2) ...	... Binjor (Anupgarh Tahsil).

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Sl. No.	Name of archæological site or remains	Locality
	RAJASTHAN STATE—*contd.*	
	District Bikaner—contd.	
18	Ancient mound ...	... Chak 86 (Do)
19	Ancient mounds (2) ...	... Mathula (Do)
20	Ancient mound ...	... Tarkhanewala Dera (Do)
	District Bundi	
21	Ancient mounds ...	... Nainwa, Lakheri and Keshwarai Patan.
	District Jaipur	
22	Ancient mound ...	... Abaneri
23	Do ...	... Bundwali Doongri
24	Do ...	... Gariagarh (Newai)
25	Do ...	... Maheshra
26	Do ...	... Nagar
27	Do ...	... Raniwas
28	Do ...	... Sikrai
29	Devapura Barodia mounds ...	... Jhalai
30	Excavated site ...	... Nagar
31	Do ...	... Rairh (Newai)
32	Excavated sites ...	... Bairat and Sambhar
	District Jaisalmer	
33	Ancient site ...	... Lodruva Patan
	District Jhalawar	
34	Ancient ruins ...	... Dalsagar Ganga Dhar
35	Do ...	... Dudhaliya (Dag)
	District Kotah	
36	Ancient ruins and structural remains.	... Krishnavilas
37	Ruins of temples ...	... Artu or Ganesh Ganj
	District Udaipur	
38	Ancient ruins ...	... Kalyanpur
39	Do ...	... Nagari
40	Do ...	... Badoli
	SAURASHTRA STATE	
1	Ancient mound ...	... Darbargadh Shihor
2	Do ...	... Intwa
3	Do ...	... Rangpur
4	Do ...	... Sejakpur
5	Do ...	... Valabhipur
	TRAVANCORE-COCHIN STATE	
1	Ariyannur Umbrellas. A prehistoric site consisting of seven or more Kudakals or umbrella stones.	Ariyannur
2	Burial cave of Chovannur ...	... Chovannur
3	Burial caves of Eyyal ...	... Eyyal
4	Burial cave of Kandanasseri ...	... Kandanasseri
5	Burial cave of Kattakampal ...	... Kattakampal
6	Burial cave of Kakkad ...	... Kunnamkulam
7	Kudakallu Parambu. A prehistoric site consisting of 50 to 60 Kudakals or umbrella monuments.	Cheramanagad

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 743

No. L.D. 1803—Legis 4-51-81, dated Bangalore, 5th January 1952.

Ordered that the Foreign Exchange Regulation (Amendment) rdinance, 1951 (Central Ordinance No. X, 1951) published in the *azette of India*, Part II, Section 1, dated the 27th December 1951, e republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ORDINANCE, 1951.

No. X OF 1951.

An Ordinance further to amend the Foreign Exchange Regulation Act, 1947.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short Title and Commencement.—(1) This Ordinance may be called the Foreign Exchange Regulation (Amendment) Ordinance, 1951.

(2) It shall come into force at once.

2. Amendment of section 2, Act VII of 1947.—In section 2 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act), clause (*o*) shall be omitted.

3. Amendment of section 8, Act VII of 1947.—In section 8 of the principal Act, sub-section (*3*) shall be omitted.

4. Amendment of section 12, Act VII of 1947.—In sub-section (*1*) of section 12 of the principal Act, for the words "prohibit the export" the words "prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export)" shall be substituted.

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5 Substitution of new section for section 18 in Act VII of 1947.—For section 18 of the principal Act, the following section shall be substituted, namely :—

"18. *Certain provisions as to companies.*—(*1*) Where there is served on any person resident in the States a notice in writing that the Central Government or the Reserve Bank wishes any such requirements as are hereinafter mentioned to be complied with by any such company as is specified in *Explanation I* [hereafter in this sub-section and in sub-section (*2*) referred to as a foreign company] and that person can by doing or refraining from doing any act—

(*a*) cause the foreign company to comply with any of the requirements, or

(*b*) remove any obstacle to the foreign company complying with any of the requirements, or

(*c*) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Central Government or, as the case may be, by the Reserve Bank, that person shall do or, as the case may be, refrain from doing that act.

(*2*) The requirements with respect to which a notice under sub-section (*1*) may be given are as follows, that is to say, the foreign company shall—

(*i*) furnish to the Central Government or, as the case may be, to the Reserve Bank such particulars as to its assets and business as may be mentioned in the notice;

(*ii*) sell or procure the sale to an authorised dealer of any foreign exchange mentioned in the notice, being foreign exchange which it is entitled to sell or of which it is entitled to procure the sale;

(*iii*) declare and pay such dividend as may be mentioned in the notice;

(*iv*) realise any of its assets mentioned in the notice in such manner as may be so mentioned;

(*v*) refrain from selling or transferring or doing anything which affects its rights or powers in relation to any such instruments or securities as may be mentioned in the notice.

(*3*) Except with the general or special permission of the Reserve Bank, no person resident in the States shall do any act whereby a company which is controlled by persons resident in India ceases to be so controlled.

(*4*) Except with the general or special permission of the Reserve Bank, no person resident in the States shall lend any money either to any company (other than a banking company) which is controlled directly or indirectly by persons resident outside India elsewhere than in the territories notified in this behalf by the Reserve Bank or to any such person.

Explanation I.—The companies referred to in sub-section (*1*) are companies not incorporated under any law in force in the States in the case of which any of the following conditions is fulfilled :—

(*a*) that the company is by any means controlled (directly or indirectly) by persons resident in the States; or

(*b*) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States; or

(*c*) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors, would be

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receivable directly or indirectly by, or for the benefit of, persons resident in the States ; or

(*d*) that more than one-half—

(i) of the interest payable on its loans and loan capital, if any, or
(ii) of the dividends payable on its preference share capital, if any, or
(iii) of the dividends payable on its share capital, if any, not being preference share capital,

is receivable directly or indirectly by, or for the benefit of, persons resident in the States.

Explanation II.—Where the identity of the persons by whom, or for whose benefit, any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by any person resident in the States of a power vested in him in that behalf, the sum, assets, interest or dividends shall, for the purposes of this sub-section, be deemed to be receivable directly or indirectly by, or for the benefit of, persons resident in the States."

6. Amendment of section 19, Act VII of 1947.—For sub-section (2) of section 19 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) Where for the purposes of this Act the Central Government or the Reserve Bank considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank it is possible for such person to obtain and furnish, the Central Government or, as the case may be, the Reserve Bank may, by order in writing, require any such person (whose name shall be specified in the order) to furnish it or any person specified in the order with such information, book or other document."

7. Amendment of section 23, Act VII of 1947.—In sub-section (3) of section 23 of the principal Act, after the words "or the Reserve Bank" the words "by a general or special order" shall be inserted.

8. Insertion of new section 23A and 23B in Act VII of 1947.—After section 23 of the principal Act, the following sections shall be inserted, namely :—

"23A. *Application of Sea Customs Act, 1878.*—Without prejudice to the provisions of section 23 or to any other provision contained in this Act, the restrictions imposed by sub-sections (*1*) and (*2*) of section 8, sub-section (*1*) of section 12 and clause (*a*) of sub-section (*1*) of section 13 shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall' therein the word 'may' were substituted.

23B. *Attempts.*—Whoever attempts to contravene any of the provisions of this Act or of any rule, direction or order made thereunder shall be deemed to have contravened that provision, rule, direction or order, as the case may be."

9. Amendment of section 24, Act VII of 1947.—Section 24 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely :—

"(*2*) Where any person is prosecuted for contravening the provisions of sub-section (*3*) of section 4, the burden of proving that the foreign exchange acquired by such person has been used for the purpose for which permission to acquire it was granted shall be on him."

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10. Insertion of new section 24A in Act VII of 1947.—After section 24 of the principal Act, the following section shall be inserted, namely :—

"24A. *Presumption as to documents in certain cases.*—Where any document is furnished by any person under sub-section (2) of section 19, or has been seized under sub-section (3) of that section, and such document is tendered by the prosecution in evidence against him, the court shall, unless the contrary is proved by any such person, presume—

(a) the truth of the contents of such document;

(b) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 2233—Legis. 4-51-96, dated Bangalore, 29th February 1952.

Ordered that the Indian Explosives (Amendment), Act, 1952 (Central Act No. III of 1952), published in the *Gazette af India* Part, II, Section 1, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 22nd February 1952.

THE INDIAN EXPLOSIVES (AMENDMENT) ACT, 1952 (III OF 1952).

AN
ACT

Further to amend the India Explosives Act, 1884.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Explosives (Amendment) Act, 1952.

2. Amendment of section 5, Act, IV of 1884.—For sub-section (3) of section 5 of the Indian Explosives Act, 1884 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely :—

"(3) Any person contravening the rules made under this section shall be punishable,—

(*a*) if he imports or manufactures any explosive in such contravention, with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both ;

(*b*) if he possesses, uses, sells or transports any explosive in such contravention, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both ; and

(*c*) in any other case, with fine which may extend to one thousand rupees."

3. Amendment of section 6, Act IV of 1884:—In sub-section (3) of section 6, of the principal Act,—

(*i*) for the words "shall be punished with fine which may extend to three thousand rupees" the words "shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both" shall be substituted ; and

(*ii*) for the words "each be punished with fine which may extend to three thousand rupees", the words "each be punishable with fine which may extend to five thousand rupees" shall be substituted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION

No. L. D. 2314—Leg. 4-51-99, dated Bangalore, 10th March 1952.

Ordered that the Appropriation Act, 1952 (Central Act No. XIII of 1952), published in Part II, Section 1, of the *Gazette of India*, dated the 4th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

Received Assent on 4th March 1952

MINISTRY OF LAW

THE APPROPRIATION ACT, 1952 (XIII OF 1952).

AN

ACT

o authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1952.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation Act, 1952.

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2. Issue of Rs. 93,23,53,000 out of the Consolidated Fund of India for the year 1951-52.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ninety-three crores, twenty-three lakhs and fifty-three thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

SCHEDULE.

(*See* Sections 2 and 3)

No. of vote	Services and purposes	Sums not exceeding.		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	3,25,000	...	3,25,000
3	Commercial Intelligence and Statistics	50,000	...	50,000
5	Indian Posts and Telegraphs Department (including working expenses)	...	3,70,000	3,70,000
7	Overseas Communications Service ...	8,32,000	...	8,32,000
10	Defence Servcies—Effective—Army ...	10,85,02,000	...	10,85,02,000
18	Ministry of External Affairs ...	6,02,000	...	6,02,000
19	Tribal areas	14,42,000	...	14,42,000
20	External Affairs	8,23,000	...	8,23,000
22	Customs	11,37,000	...	11,37,000
23	Union Excise Duties ...	2,03,14,000	...	2,03,14,000
26	Stamps	4,06,000	14,000	4,20,000
27	Payments to other Governments, Departments, etc. ...	8,27,000	...	8,27,000
29	Joint-stock Companies ...	58,000	...	58,000
30	Miscellaneous Departments ...	1,000	...	1,000
31	Currency	23,38,000	28,000	23,66,000
33	Superannuation Allowances and Pensions	27,50,000	...	27,50,000
34	Miscellaneous	24,33,000	...	24,33,000
35	Grants-in-aid to States ...	25,00,000	...	25,00,000
36	Miscellaneous Adjustments between the Union and State Governments	20,000	...	20,000

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No of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
42	Survey of India	3,24,000	...	3,24,000
43	Botanical Survey	11,000	...	11,000
45	Agriculture	54,77,000	...	54,77,000
46	Civil Veterinary Services ...	1,000	...	1,000
57	Ajmer	40,78,000	...	40,78,000
60	Broadcasting	1,22,000	...	1,22,000
64	Ministry of Natural Resources and Scientific Research ...	48,000	...	48,000
73	Territorial and Political Pensions ...	...	14,41,000	14,41,000
74	Kutch	5,31,000	...	5,31,000
78	Vindhya Pradesh	7,46,000	...	7,46,000
79	Manipur	60,000	...	60,000
80	Tripura	1,06,000	...	1,06,000
81	Relations with States	2,11,000	...	2,11,000
84	Lighthouses and Lightships ...	1,50,000	...	1,50,000
87	Ministry of Works, Production and Supply	1,000	...	1,000
88	Supplies	32,43,000	...	32,43,000
91	Stationery and Printing ...	88,00,000	...	88,00,000
-A	Stamps Cancelling and Printing Ink Manufacturing Factory ...	2,90,000	...	2,90,000
	Charged—Staff, Household and Allowances of the President ...	..	69,000	69,000
	Charged—Union Public Service Commission	...	52,000	52,000
96	Defence Capital Outlay ...	3,18,15,000	...	3,18,15,000
98	Capital Outlay on Industrial Development	1,000	...	1,000
.01	Commuted Value of Pensions ...	59,51,000	...	59,51,000
.03	Capital Outlay on the Schemes of Government Trading ...	1,000	...	1,000
)3-A	Transfer of the sale proceeds of American loan wheat to the Special Development Fund.	71,00,00,000	...	71,00,00,000
.04	Capital Outlay on Development ...	1,30,52,000	...	1,30,52,000
.05	Loans and Advances by Central Government	...	...	...
	Total ...	93,03,79,000	19,74,000	93,23,53,000

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 750

No. L.D. 2315—Legis. 4-51-100, dated Bangalore, 10th March 1952.

Ordered that the Appropriation (Railways) Act, 1952 (Central Act No. XV of 1952) published in Part II, section 1, of the *Gazette of India*, dated the 4th March 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

Received Assent on 4th March 1952.)

The Appropriation (Railways) Act, 1952 (XV of 1952).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1952, for the purposes of Railways.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) Act, 1952.

2. Issue of Rs. 7,69,24,000 out of the Consolidated Fund of India for the year 1951-52.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven crores, sixty-nine lakhs and twenty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

SCHEDULE 251

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Working Expenses—Administration	22,27,000	...	22,27,000
5	Working Expenses—Repairs and Maintenance ...	1,47,07,000	...	1,47,07,000
6	Working Expenses—Operating Staff	41,14,000	...	41,14,000
7	Working Expenses—Operation (Fuel)	1,29,88,000	...	1,29,88,000
8	Working Expenses—Operation (other than Staff and Fuel)	1,42,38,000	...	1,42,38,00
9A	Working Expenses—Labour Welfare	22,37,000	...	22,37,000
17	Open Line Works—Replacements	2,64,13,000	...	2,64,13,000
	Grand Total ...	7,69,24,000	...	7,69,24,000

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

Order No. L.D. 106—Legis. 11-51-15, dated Bangalore, 2nd April 1952.

Ordered that the Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952 (C.O. 39), published in the *Gazette of India*, Part II, Section 3, dated the 20th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 20th March 1952.

S.R.O. 528.—The following Order made by the President is published for general information:—

C. O. 39.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) (AMENDMENT) ORDER, 1952.

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952.

(2) It shall come into force at once.

2. In the Second Schedule to the Constitution (Application to Jammu and Kashmir) Order, 1950, in the entry in the third column relating to Part V, after modification (1), the following modification shall be inserted, namely:—

"(1A) Articles 54 and 55 shall apply subject to the modifications—

(*a*) that the references therein to the elected members of both Houses of Parliament and to each elected member of either House of Parliament shall be deemed to include, respectively, a reference to the representatives of the State in those Houses and to each such representative,

(*b*) that the references to the elected members of the Legislative Assemblies of the States and to each such elected member shall be deemed to include, respectively, a reference to the members of the Constituent Assembly of the State and to each such member, and

(*c*) that the population of the State shall be deemed to be forty-four lakhs and ten thousand."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 2253—Legis. 6-51-61, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 253, dated the 1st February 1952 of the Ministry of Labour under the Employees' State Insurance Act, 1948, fixing the Employers' Special Contributions with effect from 24th February 1952, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Regal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR.

New Delhi, the 1st February 1952.

S.R.O. 253.—In pursuance of the powers conferred by sub-section (3) of section 73-A of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby fixes the employers' special contribution with effect from the 24th day of February 1952, as follows:—

(i) the rate of employers' special contribution in the case of factories or establishments situated in an area in which the provisions of both chapters IV and V are in force shall be 1¼ per cent of the total wage bill of the employer.

(ii) the rate of employers' special contribution in the case of factories or establishments situated in an area in which the provisions of the said chapters are not in force shall be ¾ per cent of the total wage bill of the employer.

[No. SS. 131(9).]

S. NEELAKANTAM, *Dy. Secy.*

NOTIFICATION. 754

No. L.D. 2254—Legis. 6-51-62, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 250, dated the 30th January 1952 of the Ministry of Labour under the Payment of Wages Act, 1936, giving notice of three months regarding the application of the Act to all classes of persons employed in Mines, published in the *Gazette of India*, Part II, Section 3, dated 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government
Law Department.

MINISTRY OF LABOUR.

New Delhi, the 30th January 1952.

S.R.O. 250.—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby gives three months' notice of its intention to extend the provisions of the said Act, except sub-section (4) of section 8 thereof, which at present extend to the payment of wages to all classes of persons employed in mines (to which the Indian Mines Act, 1923, applies) in certain parts of India, to the payment of wages to all classes of persons employed in mines (to which the Indian Mines Act, 1923, applies) in the rest of India except the State of Jammu and Kashmir.

[No. Fac. 52(18).]

S. NEELAKANTAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 2260—Legis. 5-51-111, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 252, dated the 1st February 1952 of the Ministry of Labour—The Employees' State Insurance Regulations (Temporary Amendment) Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR. 755

New Delhi, the 1st February 1952.

S.R O. 252.—Whereas in order to give effect to the provisions of Chapter VA of the Employees' State Insurance Act, 1948, it is necessary to amend the Employees' State Insurance (General) Regulations in certain respects;

NOW, THEREFORE, in exercise of the powers conferred by section 73-H of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby makes the following Order :—

1. *Short title and commencement.*—(1) This Order may be called the Employees' State Insurance Regulations (Temporary Amendments) Order, 1951.

(2) It shall come into force on the 24th February 1952 and shall remain in force only so long as Chapter V-A of the Act is in force.

2. *Definitions.*—In this Order, 'Act' means the Employees' State Insurance Act, 1948 (XXXIV of 1948).

3. *Temporary amendments of regulations.*—So long as the provisions of Chapter V-A of the Act are in force the Employees' State Insurance (General) Regulations, 1950, shall have effect subject to the following modifications, namely:

(1) To clause (f) in regulation 2, the following shall be added, namely :—

"and shall include for the purpose of these regulations a token stamp issued to indicate that a contribution would have been payable in respect of an exempted employee if the provisions of Chapter V-A were not in force"

(2) to Regulation 29, the following proviso shall be added, namely :—

"Provided that in the case of an exempted employee in respect of whom contribution would have been payable if the provisions of Chapter V-A of the Act had not been in force, the fact that such contribution would have been so payable shall be indicated by affixing a token stamp on the contribution card of that employee in the space provided for the purpose".

(3) to Regulation 31, the following proviso shall be added, namely :—

"Provided that, in the case of an exempted employee the token stamp in respect of any week shall be affixed within such time as the contribution in respect of that week would have been payable if the provisions of Chapter V-A had not been in force".

(4) for Regulation 35, the following regulation shall be substituted, namely :—

"35. *Reasons for non-payment of contributions.*—Where no contribution is payable or in the case of an exempted employee, so long as Chapter V-A is in force, where no token stamp is affixed in respect of a week or weeks in any contribution period, the reason for non-payment or non-affixation shall be clearly indicated in writing in the space provided for affixing stamps for recording contributions".

(5) In form 2, in the tabular statment under the heading "summary of stamps affixed/or contribution paid", in column (2) for the figures "0–7–0", "0-9-0" "0-12-0", "1-2-0", "1-8-0", "2-1-0", "2-13-0", "3-12-0", the words and figures "Nil", "0-2-0", "0-4-0", "0-6-0", "0-8-0", "0-11-0", "0-15-0", "1-4-0" shall respectively be substituted.

(6) In Form 6, in the heading in column 4 of the table, an asterisk shall be inserted over the word "paid contributions" and the following shall be added at the end of the Form, namely :—

"the total number of token stamps affixed shall be included in this sub-column under the heading 'number'".

[No. SS. 121 (60)A.]

S. NEELAKANTAM, *Dy. Secy*

NOTIFICATION. 786

No. L. D. 2261—Legis. 5-51-104, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 271, dated the 12th February 1952, of the Ministry of Natural Resources and Scientific Research, amending the Mineral Concession Rules, 1949, published in the *Gazette af India* Part, II Section 3, dated the 16th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 12th February 1952.

S.R.O. 271.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendment shall be made in the Mineral Concession Rules, 1949, namely :—

Rule 57 of the said Rules shall be re-numbered as sub-rule (1) of that rule and after sub-rule (1) as so re-numbered the following sub-rule shall be added as sub-rule (2), namely :—

"(2) An application for review under sub-rule (1) may be admitted after the period of limitation prescribed therein when the applicant satisfies the Central Government that he had sufficient cause for not making the application within the said period."

[No. M. II-159 (14).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION.

No. L.S. 20—L.W. 2-52-2, dated Bangalore, 2nd April 1952.

Ordered that the Notification No. Fac.-61(60), dated 5th March 1952 of the Ministry of Labour, Government of India, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA. 752

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 5th March 1952.

No. Fac.-61(60) :—In exercise of the powers conferred by section 24 read with sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of the notifications of the Government of India in the Ministry of Labour No. S.R.O. 1732, dated the 2nd November 1951, No. S.R.O. 1909, dated the 21st November 1951, No. S.R.O. 62, dated the 5th January 1952 and No. S.R.O. 95, dated the 9th January 1952, the Central Government hereby appoints the officer or officers appointed from time to time by the Governments of Mysore, Saurashtra, Patiala and East Punjab States Union and Rajasthan under sub-section (1) of section 15 of the said Act, as the authority or authorities to hear and decide, within any area in their respective States, all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid within such area, to be the authority or authorities to hear and decide such claims in respect of persons employed or paid within that area by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration.

(Sd.) SADASHIVA PRASAD,
Deputy Secretary.

NOTIFICATION.

No. A.F. 55 dated Bangalore, 4th April 1952.

Ordered that the accompanying Notifications No. SC.(A)-4(112), dated 26th November 1951 and No. SC.(A)-4(117), dated 2nd January 1952 of the Government of India, Ministry of Commerce and Industry, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 26th November 1951.

NOTIFICATION.

No. SC. (A)-4(112).—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Iron and Steel (Scrap Control) Order, 1943, namely :—

In Clause 8 of the said Order

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(i) After sub-clause (2), the following shall be inserted, namely :—

"Provided that the Controller may direct that the maximum prices fixed under sub-clauses (1) or (2) shall not apply to any specified stocks of scrap and may, in respect of such stocks, specify the maximum prices at which such scrap may be sold and communicate the same in writing to the persons concerned and any person or persons holding such stocks of scrap for which prices have been so specified shall, at the time of the sale of such scrap or part thereof, mention the number and date of the order of the Controller in every Cash Memorandum, Bill or other document evidencing the sale or disposal out of the respective stocks to which the order of the Controller applies."

(ii) In sub-clause (4), between the words "notified" and "by", the words "or fixed" shall be inserted.

New Delhi, the 2nd January 1952.

NOTIFICATION.

No. SC. (A)-4(117).—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Iron and Steel (Scrap Control) Order, 1943, namely :—

After Clause 3 in the said Order, the following clause shall be inserted, namely :—

"**3-A. Use of Scrap to conform to conditions governing acquisition.**—A person acquiring scrap in accordance with the provisions of Clause 3 shall not use it otherwise than in accordance with any conditions contained or incorporated in the document which was the authority for the acquisition."

(Sd.) N. R. REDDY,

Under Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV. 259

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATIONS.

Order No. L-D. 134 -Legis. 1-52-1, Bangalore, dated 7th April 1952.

Ordered that the Mysore Appropriation Act, 1952, which received the assent of His Highness the Maharaja, on the 30th day of March 1952, be published as Mysore Act No. X of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT NO. X OF 1952.

THE MYSORE APPROPRIATION ACT, 1952.

Received the assent of His Highness the Maharaja on the Thirtieth Day of March 1952.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two; Preamble.

It is hereby enacted as follows :— 760

Short title.

1. This Act may be called the Mysore Appropriation Act, 1952.

Issue of Rs. 5,41,04,700 out of the Consolidated Fund of the State for the year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of Five hundred and forty-one lakhs, four thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE

(See sections 2 and 3).

No. of Vote		Services and Purposes	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1		2	3	4	5
			Rs.	Rs.	
1	7	Land Revenue	13,400	...	13,400
2	8	State Excise Duties	12,500	...	12,500
3	9	Stamps	500	...	500
4	10	Forest	28,500	...	28,500
5	11	Registration	22,900	...	22,900
6	12	Charges on account of Motor Vehicles Act	27,700	...	27,700
7	13	Other Taxes and Duties ..	3,500	...	3,500
8	18	Other Revenue Expenditure Financed from Ordinary Revenue. ...	1,400	...	1,400
9	19	Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,300	...	1,300
10	22	Interest on Debt and other obligations	....	7,42,000	7,42,000

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No. of Vote		Services and purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	Total
1		2	3	4	5
			Rs.	Rs.	Rs.
11	25	General Administration (except B, C and F)	1,66,000	...	1,66,000
12	25	General Administration (B. Parliament and the State Legislature and C. Elections for Legislature).	600	...	600
13	25	General Administration (F District Administration)	64,900	...	64,900
14	27	Administration of Justice ...	31,500	2,000	33,500
15	28	Jails	4,800	...	4,800
16	29	Police	1,84,700	...	1,84,700
17	36	Scientific Departments	1,300	...	1,300
18	37	Education	4,42,700	...	4,42,700
19	38	Medical	69,700	...	69,700
20	39	Public Health	44,400	...	44,400
21	40	Agriculture (except Horticulture) ...	60,400	...	60,400
22	40(h)	Botanical and Other Public Gardens ...	13,100	...	13,100
23	40A.	Rural Development ...	12,300	...	12,300
24	41	Veterinary charges ...	22,500	...	22,500
25	42	Co-operation	4,800	...	4,800
26	43	Industries and Supplies except Sericulture	4,22,22,300	...	4,22,22,300
27	43 a-4.	Sericulture	5,400	...	5,400
28	47	Miscellaneous Departments ...	3,000	...	3,000
29	50	Civil Works	30,700	...	30,700
30	54A.	Territorial and Political Pensions ...	10,500	...	10,500
31	55	Superannuation Allowances and Pensions	5,73,500	...	5,73,500
32	56	Stationery and Printing ...	9,300	...	9,300
33	57	Miscellaneous	4,41,800	...	4,41,800
34	63	Extraordinary charges	74,12,500	...	74,12,500
36	XVII.	I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	4,26,800	...	4,26,800
38	XLI	Receipts from Electricity Scheme—Working Expenses.	80,000	...	80,000
39	XLVI-A.	Receipts from Road Transport Schemes—Working Expenses.	17,400	...	17,400
40	68	Construction of I.N.E. and D. Works—outside the Revenue Account.	8,92,100	...	8,92,100
		Grand Total ...	5,33,60,700	7,44,000	5,41,04,700

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Order No. L.D. 135—Legis. 2-52-1, Bangalore, dated 7th April 1952.

Ordered that the Mysore Appropriation (Vote on Account) Act, 1952, which received the assent of His Highness the Maharaja, on the 30th day of March 1952, be published as Mysore Act No. XI of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ACT NO XI OF 1952.

THE MYSORE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.

Received the assent of His Highness the Maharaja on the Thirtieth Day of March 1952.

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of a part of the Financial Year 1952-53.

Preamble.

WHEREAS it is expedient to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of a part of the Financial Year 1952-53;

It is hereby enacted as follows:—

Short Title.

1. This Act may be called the Mysore Appropriation (Vote On Account) Act, 1952.

Withdrawal of rupees, 10,91,54,000 from and out of the Consolidated Fund of the State for the financial year 1952-53.

2. From and out of the Consolidated Fund of the State, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in aggregate to the sum of one thousand ninety-one lakhs fifty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

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SCHEDULE.

(See Sections 2 and 3.)

1	2	3		
Sl. No.	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue	15,64,000	...	15,64,000
2	8 State Excise Duties	3,50,000	...	3,50,000
3	9 Stamps	1,40,000	...	1,40,000
4	10 Forest	13,61,000	...	13,61,000
5	11 Registration	1,61,000	...	1,61,000
6	12 Charges on account of Motor Vehicles Act ...	2,33,000	...	2,33,000
7	13 Other Taxes and Duties	1,54,000	...	1,54,000
8	18 Other Revenue Expenditure Financed from Ordinary Revenue.	13,80,000	...	13,80,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works.	6,71,000	...	6,71,000
10	22 Interest on Debt and other obligations... ...	12,42,000	25,00,000	37,42,000
	23 Appropriation for Reduction or avoidance of Debt.	...	10,00,000	10,00,000
11	25 General Administration (except B C. and F.) ...	10,90,000	3,31,000	14,21,000
12	25 Do (B. Parliament and the State Legislature and C. Elections for Legislature).	2,43,000	6,000	2,49,000
13	25 General Administration (F. District Administration)	11,74,000	...	11,74,000
14	27 Administration of Justice	7,77,000	1,40,000	9,17,000
15	28 Jails	2,21,000	...	2,21,000
16	29 Police	35,10,000	...	35,10,000
17	36 Scientific Departments	1,48,000	...	1,48,000
18	37 Education	1,10,09,000	...	1,10,09,000
19	38 Medical	32,97,000	...	32,97,000
20	39 Public Health	12,90 000	...	12,90,000
21	40 Agriculture (except Horticulture)	19,56,000	...	19,56,000
22	40 (h) Botanical and Other Public Gardens ...	3,06,000	...	3,06,000
23	40A. Rural Development	15,40,000	...	15,40,000
24	41 Veterinary charges	7,80,000	...	7,80,000
25	42 Co-operation	1,95,000	...	1,95,000
26	43 Industries and Supplies (except Sericulture) ...	1,83,71,000	...	1,83,71,000
	Carried over ...	5,31,63,000	39,77,009	5,71,40,,000

1	2	3		
Sl. No.	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	Brought forward ...	5,31,63,000	39,77,000	5,71,40,000
27	43 a-4. Sericulture	3,19,000	...	3,19,000
28	47 Miscellaneous Departments	4,01,000	...	4,01,000
29	50 Civil Works	1,00,14,000	...	1,00,14,000
30	54 Famine Relief	4,00,000	...	4,00,000
31	54A. Territorial and Political Pensions	1,50,000	...	1,50,000
32	55 Superannuation Allowances and Pensions ...	14,44,000	25,000	14,69,000
33	56 Stationery and Printing	5,59,000	...	5,59,000
34	57 Miscellaneous	2,53,000	...	2,53,000
35	63 Extraordinary charges	15,70,000	...	15,70,000
36	X. Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage.	1,00,000	...	1,00,000
37	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	9,35,000	...	9,35,000
38	XLI. Receipts from Electricity Schemes—Working Expenses.	40,32,000	...	40,32,000
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses.	14,03,000	...	14,03,000
	Total Expenditure met from Revenue ...	7,47,43,000	40,02,000	7,87,45,000
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I.N.E. and D. Works outside the Revenue Account.	37,00,000	...	37,00,000
41	72 Capital outlay on Industrial Development ...	39,42,000	...	39,42,000
42	81-A. Capital Outlay on Electricity Schemes ...	66,67,000	...	66,67,000
43	82-B. Capital Outlay on Road Transport Schemes ..	1,00,000	...	1,00,000
44	85-A. Capital Outlay on Provincial Schemes of State Trading.	1,35,00,000	...	1,35,00,000
	Total Capital Outlay not met from Revenue ...	2,79,09,000	...	2,79,09,000
	C. DISBURSEMENT OF ADVANCES (INTEREST) AND LOANS.			
	ADVANCES AND LOANS.			
45	R. Loans and Advances by the State Government ...	25,00,000	...	25,00,000
	Grand Total ...	10,51,52,000	40,02,000	10,91,54,000

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L.S. 30—L.W. 173-51-6, dated Bangalore, 4th April 1952.

In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) and in supersession of the Mysore Payment of Wages (Procedure) Rules, 1948, His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been previously published in the *Mysore Gazette*, dated 1st November 1951 as required by sub-section (5) of said section.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

1. These rules may be called the "Mysore Payment of Wages (Procedure) Rules, 1952". Short title.

2. In these rules, unless there is anything repugnant in the subject or context— Definition.

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "appeal" means an appeal under Section 17;

(*c*) "the Authority" means the authority appointed under sub-section (1) of section 15;

(*d*) "the Court" means the court mentioned in sub-section (1) of section 17;

(*e*) "employer" includes the persons responsible for the payment of wages under section 3;

(*f*) "section" means a section of the Act;

(*g*) "form" means a form appended to these rules;

(*h*) words and expressions used in these rules but not defined, shall be deemed to have the same meaning as in the Act.

Form of application.

3. Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B, or Form C as the case may be, one copy of which shall bear such court-fee as is prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951.

Authorisation.

4. The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

Permission to appear.

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which, in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

Presentation of document.

6. (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during the hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

Refusal to entertain application.

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, Or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15, Or

(*c*) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been rectified the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any and shall inform the applicant of the date so specified. Appearance of parties.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and the time of passing orders shall sign and date the Form. Record of proceedings.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose. Signature on forms.

11. In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule to the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules. Exercise of powers.

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the court-fee prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction. Appeals.

(2) When an appeal is lodged, a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary may confirm, vary, or set a side the direction from which the appeal is preferred, and shall make an order accordingly.

Inspection documents.

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filled with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of the fees fixed under rule 21 of the Mysore Payment of Wages Rules, 1951.

FORM A

Form of individual Application.

[*See* sub-section (2) of section 15 of the Payment of Wages Act].

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C..... .....Applicant.

(through a legal practitioner),

an official of

Which is a registered Trade Union.

And X. Y, Z..... .....Opposite party.

The applicant states as follows :—

1. A. B. C. is a person employed in/on the.....

Factory/Industrial establishment entitled.....

and resides at.....

The address of the applicant for the service of all notices and processes is..... ....

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is.....

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)

Or a sum of (amount) has been unlawfully deducted from his wages of (amount) for the wage period (s) which ended on (give date/s).

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

or refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of Registered Trade Union duly authorised.

.....

.....

.....

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FORM B.

FORM OF GROUP APPLICATION.

[*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C. and (state the number) others, ... applicants ; (through a legal practitioner/an official of which is a registered Trade Union).

And X. Y. Z. Opposite party.

The applicants state as follows :—

1. The applicants whose names apper in the attached schedule are persons employed in/on the factory/industrial establishment entitled.. .....

The address of the applicants for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is.....

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

5. The applicants pray that a direction may be issued under sub section (3) of section 15 for—

(*a*) Payment of the applicants' delayed wages as estimated..... or such greater or lesser amount as the Authority may find to be due .....

(*b*) Compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a Registered Trade Union duly authorised.

SCHEDULE.

Names of Applicants.

1. .....
2. .....
3. .....
4. .....

FORM C.

Form of Application by an Inspector or persons permitted by the Authority or authorised to act.

[*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act, for.....area.

Application No.....of 195

Between A. B. C., (designation) (an Inspector under the Payment of Wages Act) (or a person permitted by the Authority, authorised to act under sub-section (2) of section 15.....
.....Applicant.

And X. Y. Z., the Opposite party.

The applicants state as follows :—

1. X. Y. Z., the opposite party, is the person responsible under the Act for the payment of wages to the following person(s):—

(1) .....
(2) .....
(3) .....

2. His address for the service of all notices and processes is.....

3. The wages of the said person (s) due in respect of the following wage period (s) have not been paid/have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person (s) employed at the sum of Rs.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature

FORM D.

CERTIFICATE OF AUTHORISATION.

I/We, employed person(s) hereby authorise a legal practitioner/an official of.....which is a registered trade union to act on my/our behalf under section 15, and section 17 of the Payment of Wages Act (IV of 1936) in respect of the claim against.....on account of the delay in payment of/illegal deductions from my/our wages.

Witnesses (1) ..... Signature(s) (1) .....
(2) ..... (2) .....
(3) ..... (3) .....
(4) ..... (4) .....

I accept the authorisation.

Signature.

Legal Practitioner/Official of a Registered Trade Union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To

.....

.....

WHEREAS under the Payment of Wages Act, 1936, (Central Act IV of 1936), a claim against you has been presented to me, in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on day of.....195 , at o'clock in the fore/after-noon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day above-mentioned, the application will be heard and determined in your absence.

Given under my hand and seal this.....day of.....
.....195 .

(Seal)

Authority.

FORM F.

RECORD OF DIRECTION.

(1) Serial Number.
(2) Date of application.
(3) Name or names, parentage, address or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group.
(4) Name and address of the employer.
(5) Amount claimed :—
(*a*) as delayed wages ; Rs.
(*b*) as deducted from wages ; Rs.
(6) Plea of the employer and his examination (if any) :—
(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor:—

Rs.

(8) Amounts awarded :—
(*a*) Delayed wages.
(*b*) Deducted wages.

(9) Compensation awarded.
(10) Penalty imposed.
(11) Costs awarded to :—
(i) Court fee charges.
(ii) Pleader's fee.
(iii) Witnesses' expenses.

Signed.....

Dated.....

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

Notice to Respondent of the day fixed for the hearing of the Appeal under Section 17 of the Payment of Wages Act, 1936.

Appeal from the decision of the Authority for the area, dated..... day of.....195 .

To

Respondent.

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for.....area has been presented by X.Y.Z. (and others), and registered in this Court, and that the.....day of.....195 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day..... .....of.....195 .

Judge.

(Seal of the court).

.....

No. L.S. 32—L.W. 173-51-7, dated Bangalore, 4th April 1952.

In exercise of the powers conferred by sub-section (2) of Section 26 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) and in supersession of the Mysore Payment of Wages Rules, 1948, His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been previously published in the *Mysore Gazette*, dated 1st November 1951 as required by sub-section (5) of said section.

1. These rules may be called the "Mysore Payment of Wages Rules, 1952". Title.

2. In these rules, unless there is anything repugnant in the subject or context :— Definition.

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "the Authority" means the authority appointed under sub-section (1) of Section 15 of the Act;

(*c*) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 10 of the Factories Act, 1948 (Central Act LXIII of 1948);

(*d*) "the Court" means the court mentioned in sub-section (1) of Section 17 of the Act;

(*e*) "deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of Section 9;

(*f*) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (*c*) of sub-section (2) of Section 7;

(*g*) "Employer" includes the persons responsible for the payment of wages under Section 3 of the Act;

(*h*) "Form" means a form appended to these rules;

(*i*) "Inspector" means the Inspector authorised y or under Section 14 of the Act;

(*j*) "person employed" does not include any person he payment of whose wages the Act does not apply;

(*k*) "section" means a section of the Act;

(*l*) words and expressions used in these Rules but defined, shall be deemed to have the same meaning the Act.

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Register of fines.

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the employer shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

Register of deductions for damage or loss.

4. In every Factory or Industrial Establishment in which deductions for damage or loss are made the employer shall maintain the Register required by sub-section (2) of Section 10 in Form II.

Register of Wages.

5. A Register of Wages shall be maintained in every Factory or Industrial Establishment and may be kept in such form as the employer finds convenient but shall include the following particulars :—

(*a*) the gross wages earned by each person employed for each wage period ;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made ;

(*c*) the wages actually paid to each person employed for each wage period and the date of payment ;

Maintenance of registers.

6. The registers required by rules 3, 4, 5 and 18 shall be preserved by the employer for twelve months after the date of the last entry made in them.

If maintained in any language other than Kannada, a true translation thereof in English shall be maintained.

If the employer has maintained the forms in this behalf as prescribed under the Minimum Wages Rules, no other forms need be maintained.

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Mysore Weights and Measures Act, 1902. If an Inspector considers that any action should be taken under the said Act, or the rules made thereunder, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act, for necessary action. Weights, Measures and Weighing Machines.

8. The employer shall display, in a conspicuous place at or near the main entrance of the factory or Industrial Establishment a notice in English and in the language of the majority of the persons employed therein showing the days on which wages are to be paid. Notice of dates of payment.

9. The Chief Inspector of Factories shall be the authority competent to approve under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes to which the proceeds of fines shall be expended. Prescribed authority.

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9 :— Application in respect of fines.

(*a*) a list, in English, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing by virtue of office, such of his subordinates as may pass orders imposing fines and the class of establishment on which any such subordinate may impose fine.

11. The authority appointed under Rule 9 on receipt of the lists prescibed in the sub-rule (a) of Rule 10 may, after such enquiry as he considers necessary, pass orders either :— Approval of lists.

(*a*) disapproving the list,

(*b*) approving the list either in their original form or as amended by him, in which case such list shall be considered to be approved list :

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

Posting of list.

12. The employer shall display at or near the main entrance of the factory or Industrial Establishment a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

Persons authorised to impose fines.

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in the list referred to in clause (b) of Rule 10.

Procedure of imposing fines and deductions.

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Information to employer.

15. The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is an employer) at once inform the employer of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

Deductions for absence from duty.

16. For purposes of deductions for absence from duty the hours of work in respect of Plantation Estates, shall be the same as those specified in the notice of periods of work prescribed under Section 23 of the Plantations Act, 1951, for field works and under Section 61 of the Factories Act, 1948, for Factory Workers.

Deductions for breach of contract.

17. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years.

(2) No deduction for breach of contract shall be made from wages of any employed person unless—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment; and

(i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory or Industrial Establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the factory or Industrial Establishment giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted :

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory it shall be sufficient in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule 2, no such deduction shall be made from any person who has complied with the conditions.

18. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months. Advances.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalments shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the re-payments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances under sub-rule (1) shall not exceed six and one-fourth per cent per annum.

Annual Return.

19. The employer shall send a return in Form IV in respect of every factory or Industrial Establishment so as to reach the authority appointed under rule 9 not later than the 15th of May following the end of the calendar year to which it relates.

Display of rates of wages.

20. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the employer in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position.

Costs.

21. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, it shall state his/its reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistence money to witnesses; and

(*c*) Pleader's fees which shall ordinarily be Ten Rupees, provided that the Authority or the court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Five Rupees or increase it to a sum not exceeding Thirty-Rupees.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

Fees.

22. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or Court, as the case may be:

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

23. The fee payable in respect of proceedings under the Act shall be—

(i) For every application to summon a witness.	Four annas in respect of each witness.
(ii) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(iii) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(iv) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee :

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

24. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V. Abstracts.

25. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 19 and 20 of these rules shall be punishable with fine which may extend to two hundred rupees. Penalties.

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FORM I.

REGISTER OF FINES.

Name of Factory :—

Name of operative fined	Father's name or Ticket number	Department	Act or omission for which fine was imposed	Amount of fine	Designation of officer imposing fine	Date on which fine was imposed	Whether workman showed cause or not. If so, enter date	Wages payable*		Total amount of fines	Date or dates on which fines or total fines were recovered	Remarks
								Amount	Wage period†			
1	2	3	4	5	6	7	8	9	10	11	12	13

*By "Wages payable" is meant the gross wages earned by a workman for time workers, the wages due for the pay period less deductions for absence from duty : for piece workers the wages due on production—in both the cases without deductions for fines or for services rendered by the employer.

†Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week" or "fortnight" as the case may be, giving the dates covered by the pay period.

FORM II.

Register of Deductions for Damage or Loss caused to employers through the neglect or default of employed persons in respect of goods expressly entrusted to them for custody.

Name of Factory.—

Serial No.	Name	Father's name or Ticket number	Department	Damages or loss caused	Amount of deduction imposed	Designation of officer imposing deduction	Date when deduction imposed	Whether worker showed cause against deduction or not	Number of instalments, if any, in which deduction is proposed to be recovered	Date on which total amount of deduction imposed was realized	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

FORM III.

Register of advances made to employed persons.

Name of Factory.....

Sl. No.	Name	Father's name or Ticket number	Department	Date and amount of advance made	Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Postponements granted	Date on which total amount repaid	Remarks
1	2	3	4	5	6	7	8	9	10

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FORM IV.

Deduction from Wages.

Return for the year ending 31st December 195 .

1. (*a*) Name of the Factory or Industrial Establishment
(*b*) Postal address do do
*(*c*) Class of Factory

†2. Average number of workers employed daily :—

‡on day-shift ...	.....	(Men).
	.....	(Women).
on night-shift ...	.....	(Men).
Total ...		

†3. Actual number of days worked during the year :—
‡on day-shift.
‡on night-shift.

4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936, but not other deductions :—

	Rs. a. p.
(Men) ...	...
(Women) ...	...
Total	...

5. Number of cases and amount realized as—

No. of Cases	Amount
	Rs. a. p.
(*a*) Fines	
(*b*) Deductions for damage or loss ...	
(*c*) Deductions for breach of contract ...	

6. Disbursement from fine fund :—

Amount	Purpose
Rs. a. p.	

Signature.....

Dated.....195 . *Designation*.....

* *e.g.*—Cotton Mill, Iron Foundry, Flour Mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, *e.g.*, first shift, second shift and third shift.

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FORM V.

Abstract of the Payment of Wages Act, 1936, and the Rules made thereunder.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed person can give up by contract or agreement his rights under the Act.

Definition of Wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of proper notice of discharge.

It excludes—

(*a*) the value of house accommodation, supply of light, water, medical-attendance, or other amenity or of any service excluded by the State Government;

(*b*) the employer's contribution to a person or provident fund;

(*c*) travelling allowance or concession or other special expenses entailed by the employment;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;

(*e*) any gratuity payable on discharge.

Responsibility for and method of Payment.

4. The Manager of the factory or Industrial Establishment if responsible for the payment under the Act of wages to persons employed in the factory, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within seven days of the end of the wage-period (or within ten days if one thousand or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day from the day on which his employment is terminated.

7. Payments in kind are prohibited.

Fines and Deductions.

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the Factory or Industrial Establishment and after giving the employed person an opportunity for explanation.

(2) Fines—

(a) shall not exceed half an anna in the rupee;

(b) shall not be recovered by instalments, or later than sixty days of the date of imposition;

(c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories;

(d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under fifteen years of age or a woman;

(2) there must be a provision in writing forms part of the contract of employment requiring that a specific period of notice of intention to cease work not exceeding fifteen days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;

(3) the above provision must be displayed at or near the main entrance of the factory;

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory;

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the State Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of over payment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages or a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the employer's discretion during employment.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the Insurance of the Mysore Government Insurance Department subject to any conditions imposed by the State Government.

INSPECTIONS.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

COMPLAINTS OF DEDUCTIONS OR DELAYS.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

ACTION BY THE AUTHORITY.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

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APPEAL AGAINST THE AUTHORITY.

19. An appeal against a direction made by the Authority may be preferred, within 30 days to the District Court—

(a) by the employer if the total amount directed to be paid exceeds Rs. 300;

(b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;

(c) by a person directed to pay a penalty for a malicious or vexatious application.

PUNISHMENTS FOR BREACHES OF THE ACT.

20. Any one delaying the payment of wages beyond the due date or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The employer, who—

(i) does not fix a wage-period, or

(ii) makes payment in kind, or

(iii) fails to display at or near the main entrance of the factory of this abstract in English and in the language of the majority of the employed persons, or

(iv) contravenes certain rules made under the Act, is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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No. L.S. 90—L.W. 71-51-16, dated Bangalore, 7th April 1952.

In exercise of the powers conferred by sub-section (3) of Section 14 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936), His Highness the Maharaja of Mysore is pleased to appoint the Assistant Commissioner of Labour, Plantation Division, to be the Inspector for the purposes of the said Act in respect of Plantations in the State of Mysore.

By Order of His Highness the Maharaja,

No. L.S. 92—L.W. 71-51-17, dated Bangalore, 7th April 1952.

In exercise of the powers conferred by sub-section (5) of Section 1 of the Payment of Wages Act, 1936 (IV of 1936), His Highness the Maharaja of Mysore is pleased to extend all the provisions of the said Act to the payment of wages to all classes of persons employed in Plantations in the State, three months' notice of intention so to do, having been given in Notification No. L.S. 3820—L.W. 71-51-9, dated the 26th December 1951, as required by the said sub-section.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

No. S.D. 71—C. 39-51-67, dated Bangalore, 4-5th April 1952.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Mysore Act XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Notification published under No. S.D. 6795—C 25-50-56, dated 21st November 1951 and to direct further with reference to Rule 119 of the said

Rules that notice of this amendment shall be given by publication in the *Mysore Gazette* and issue of a Press Note :—

In the said notification, the following explanation shall be added at the end, namely :—

"*Explanation* :— In this notification 'dealer' means the owner of a firewood depot licensed by the Municipality, where firewood is sold by weight".

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Food and Agriculture Departments.

No. S.D. 144—C. 86-51-19, dated Bangalore, 9th April 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated 4th October 1950, and subject to the concurrence of the Government of India, His Highness the Maharaja is pleased to revise and fix the following sale prices of foodgrains in the Mysore State, with effect from 10th April 1952:—

			By Measure.
Rice (I quality)	...	...	1½ seers per rupee
Rice (II quality)	...	...	Re. 0–9–0 per seer
Wheat	...	...	1½ seers per rupee
Milo and Jola	...	...	4 seers per rupee
Ragi	...	...	4 seers per rupee

2. This Order is in supersession of the previous Orders, *viz.*, Notification No. S.D. 7533—C. 127-50-8, dated 10th February 1951.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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PART IV.

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2394—Legis. 4-51-124, dated Bangalore, 22nd March 1952.

Ordered that the Mines Act, 1952 (Central Act No. XXXV of 2), published in the *Gazette of India*, Part II, Section 1, dated 17th March 1952, be republished in the *Mysore Gazette*, for eral information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF LAW.

(Received assent on 15th March 1952).

THE MINES ACT, 1952 (XXXV OF 1952).

AN ACT

to amend and consolidate the law relating to the regulation of labour and safety in mines.

BE it enacted by Parliament as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Mines Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States but not later than 31st December 1953.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year;

(*b*) "adult" means a person who has completed his eighteenth year;

(*c*) "agent", when used in relation to a mine, means any person, whether appointed as such or not, who acts as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act;

(*d*) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;

(*e*) "child" means a person who has not completed his fifteenth year;

(*f*) "day" means a period of twenty-four hours beginning at midnight;

(*g*) "district magistrate" means, in a presidency-town, the person appointed by the Central Government to perform the duties of a district magistrate under this Act in that town;

(*h*) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(*i*) "Inspector" means an Inspector of Mines appointed under this Act, and includes a district magistrate when exercising any power of performing any duty of an Inspector which he is empowered by this Act, to exercise or perform;

(*j*) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

(i) every shaft in the course of being sunk;

(ii) every level and inclined plane in the course of being driven;

(iii) all shafts, levels, planes, machinery, works, tramways and sidings, whether above or below ground, in or adjacent to, and belonging to, the mine;

(iv) any workshop situated within the precincts of the mine and under the same management and used solely for purposes connected with that mine or a number of mines under the same management;

(v) any power station for supplying electricity solely for the purpose of working the mine, or any group of mines; and

(vi) unless exempted by the Central Government by notification in the Official Gazette, any premises or part thereof on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;

(*k*) "office of the mine" means an office at the surface of the mine concerned;

(*l*) "owner", when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver; but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine, subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(*m*) "prescribed" means prescribed by rules, regulations or bye-laws as the case may be;

(*n*) "qualified medical practitioner" means a person holding a qualification granted by an authority specified in the Shedule to the Indian Medical Degrees Act, 1916 (VII of 1916), or in the schedule to the Indian Medical Council Act, 1933 (XXVII of 1933);

(*o*) "regulations", "rules", and "bye-laws" mean respectively regulations, rules and bye-laws made under this Act;

(*p*) where work of the same kind is carried out by two or more sets of persons working during different periods of the day each of such sets is called a "relay";

(*q*) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the

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sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days;

(r) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

3. *References to enactments not in force in Part B States.*—In the application of this Act to any Part B State, unless the context otherwise requires, references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that Part B State.

4. *References to time of day.*—In this Act, references to time of day are references to Indian standard time, being five and a half hours ahead of Greenwich mean time:

Provided that, for any area in which Indian standard time is not ordinarily observed, the Central Government may make rules—

(a) specifying the area;

(b) defining the local mean time ordinarily observed therein; and

(c) permitting such time to be observed in all or any of the mines situated in the area.

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

5. *Chief Inspector and Inspectors.*—(1) The Central Government may, by notification in the Official Gazette, appoint such a person as possesses the prescribed qualifications to be Chief Inspector of Mines for all the territories to which this Act extends and such persons as possess the prescribed qualifications to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The district magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the Central Government:

Provided that nothing in this sub-section shall be deemed to empower a district magistrate to exercise any of the powers conferred by section 22 or section 61.

(4) The Chief Inspector and all Inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (Act XLV of 1860).

6. *Functions of Inspectors.*—(1) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(2) The Inspectors shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (1) as to all regulations and rules which concern them respectively and as to the places where copies of such regulations and rules may be obtained.

7. *Powers of Inspectors of Mines.*—(1) The Chief Inspector and any Inspector may—

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;

(*b*) with such assistants, if any, as he thinks fit, enter, inspect and examine any mine or any part thereof at any time by day or night:

Provided that the power conferred by this clause shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine;

(*c*) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the health safety and welfare of the persons employed in the mine, and take whether on the precincts of the mine or elsewhere, statements of any person which he may consider necessary for carrying out the purposes of this Act;

(*d*) exercise such other powers as may be prescribed by regulations made by the Central Government in this behalf:

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(2) The Chief Inspector and any Inspector may, if he has reason to believe, as a result of any inspection, examination or inquiry under this section, that an offence under this Act has been or is being committed, search any place and take possession of any register or other record appertaining to the mine, and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

8. *Powers of special officer to enter, measure etc.*—Any person in the service of the Government duly authorised in this behalf by a special order in writing of the Chief Inspector or of an Inspector may, for the purpose of surveying, levelling or measuring any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any time by day or night:

Provided that, where in the opinion of the Chief Inspector or of an Inspector an emergency exists, he may, by order in writing, authorise any such person to enter the mine for any of the aforesaid purposes without giving any such notice.

9. *Facilities to be afforded to Inspectors.*—Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 8, all reasonable facilities for making any entry, inspection, survey measurement, examination or inquiry under this Act.

10. *Secrecy of information obtained.*—(1) All copies of, and extracts from, registers or othe records appertaining to any mine and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection of any mine under this Act or acquired by any person authorised under section 8 in the exercise of his

duties thereunder, shall be regarded as confidential and shall not be disclosed to any person or authority unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the health, safety or welfare of any person employed in the mine or in any other mine adjacent thereto.

(2) Nothing in sub-section (1) shall apply to the disclosure of any such information (if so required) to—

(*a*) any court;

(*b*) a Mining Board, Committee, or Court of Inquiry constituted or appointed under section 12, section 13 or section 24 as the case may be;

(*c*) an official superior or the owner, agent or manager of the mine concerned;

(*d*) a Commissioner for Workmen's Compensation appointed under the Workmen's Compensation Act, 1923 (VIII of 1923);

(*e*) the Director, Indian Bureau of Mines.

(3) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses, contrary to the provisions of this section, any such information as aforesaid without the consent of the Central Government, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) No court shall proceed to the trial of any offence under this section except with the previous sanction of the Central Government.

11. *Certifying surgeons.*—(1) The Central Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such mine or class or description of mines as it may assign to them respectively.

(2) Subject to such conditions as the Central Government may think fit to impose, a certifying surgeon may, with the approval of the Central Government, authorise any qualified medical practitioner to exercise all or any of his powers under this Act for such period as the certifying surgeon may specify, and references to a certifying surgeon shall be deemed to include references to any qualified medical practitioner when so authorised.

(3) No person shall be appointed to be, or authorised to exercise the powers of, a certifying surgeon, or, having been so appointed or authorised, continue to exercise such powers, who is or becomes the owner, agent or manager of a mine, or is or becomes directly or indirectly interested therein, or in any process or business carried on therein or in any patent or machinery connected therewith, or is otherwise in the employment of the mine.

(4) The certifying surgeon shall carry out such duties as may be prescribed in connection with—

(*a*) the examination and certification of adolescents under this Act;

(*b*) the examination of persons engaged in a mine in such dangerous occupations or processes as may be prescribed;

(*c*) the exercise of such medical supervision as may be prescribed for any mine or class or description of mines where—

(*i*) cases of illness have occurred which it is reasonable to believe are due to the nature of any process carried on or other conditions of work prevailing in the mine;

(*ii*) adolescents are or are to be employed in any work which is likely to cause injury to their health.

CHAPTER III. 798

MINING BOARDS AND COMMITTEES.

12. *Mining Boards.*—(1) The Central Government may constitute for any part of the territories to which this Act extends, or for any group or class of mines, a Mining Board consisting of—

(*a*) a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the Central Government to act as chairman;

(*b*) the Chief Inspector or an Inspector nominated by the Central Government;

(*c*) a person, not being the Chief Inspector or an Inspector nominated by the Central Government;

(*d*) two persons nominated by owners of mines or their representatives in such manner as may be prescribed;

(*e*) two persons to represent the interest of miners, who shall be nominated in accordance with the following provisions, namely,—

(*i*) if there are one or more registered trade unions having in the aggregate as members not less than one-quarter of the miners, the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed;

(*ii*) if sub-clause (*i*) is not applicable and there are one or more registered trade unions having in the aggregate as members not less than one thousand miners, one of the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed and the other by the Central Government;

(*iii*) if neither sub-clause (*i*) nor sub-clause (*ii*) is applicable, the said persons shall be nominated by the Central Government.

Explanation.—In this clause 'miner' means a person employed, otherwise than in a position of supervision or management, in any of the mines for which the Mining Board is constituted.

(2) The chairman shall appoint a person to act as secretary to the Board.

(3) The Central Government may give directions as to the payment of travelling expenses incurred by the secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

13. *Committees.*—(1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

(*a*) a chairman nominated by the Central Government or by such officer or authority as the Central Government may authorise in this behalf;

(*b*) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and

(*c*) two persons to represent the interests of the persons employed in the mine of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Central Government in consultation with such organisations of miners employed in the mine as may be recognised for the purpose by that Government.

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(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this section.

(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (*c*) of sub-section (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the Central Government.

(5) On receiving such report the Central Government shall pass orders in conformity therewith unless the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Central Government may proceed to review such decision and to pass such orders in the matter as it may think fit:

Provided that if an objection is lodged by the Chief Inspector, notice of the same shall be given to the owner, agent or manager of the mine before any orders are passed thereon by the Central Government.

(6) The Central Government may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of expenses of the inquiry including such remuneration.

14. *Powers of Mining Boards.*—(1) Any Mining Board constituted under section 12 and any Committee constituted under section 13 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

(2) Every Mining Board constituted under section 12 and every Committee appointed under section 13 shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code (Act XLV of 1860).

15. *Recovery of expenses.*—The Central Government may direct that the expenses of any inquiry conducted by a Mining Board constituted under section 12 or by a Committee appointed under section 13 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any movable property within the limits of the magistrate's jurisdiction belonging to such owner or agent:

Provided that the owner or his agent has not paid the amount within six weeks from the date of receiving the notice from the Central Government or the Chief Inspector of Mines.

CHAPTER IV. 800

MINING OPERATIONS AND MANAGEMENT OF MINES.

16. *Notice to be given of mining operations.*—(1) The owner, agent or manager of a mine shall, before the commencement of any mining operation, give to the Chief Inspector, the Director, Indian Bureau of Mines and the district magistrate of the district in which the mine is situate, notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

(2) Any notice given under sub-section (1) shall be so given as to reach the persons concerned at least one month before the commencement of any mining operation.

17. *Managers.*—Save as may be otherwise prescribed every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.

18. *Duties and responsibilities of owners, agents and managers.*—(1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) In the event of any contravention of any such provisions by any person whosoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention:

Provided that the owner or agent shall not be so deemed if he proves—

(*a*) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine; and

(*b*) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties; and

(*c*) that the offence was committed without his knowledge, consent or connivance.

(3) Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of the mine has been appointed in accordance with the provisions of this Act.

CHAPTER V.

PROVISIONS AS TO HEALTH AND SAFETY.

19. *Drinking water.*—(1) In every mine, both above and below ground, effective arrangements shall be made to provide and maintain at suitable points conveniently suituated for all persons employed therein a sufficient supply of cool and wholesome drinking water.

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(2) All such points shall be legibly marked 'DRINKING WATER' in a language understood by a majority of the persons employed in the mine and no such point shall be situated within twenty feet of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(3) In respect of all mines or any class or description of mines, the Central Government may make rules for securing compliance with the provisions of sub-sections (1) and (2) and for the examination by prescribed authorities of the supply and distribution of drinking water.

20. *Conservancy.*—(1) There shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to persons employed in the mine at all times.

(2) All latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition.

(3) The Central Government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations in this regard of persons employed in the mine) as it may consider necessary in the interests of the health of the persons so employed.

21. *Medical appliances.*—(1) In every mine, both above and below ground, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards shall not be less than one for every one hundred and fifty persons employed in the mine.

(2) Nothing except the prescribed contents shall be kept in the boxes and cupboards referred to in sub-section (1) and all such boxes and cupboards shall be kept in the charge of any person employed in the mine who is trained in such first-aid treatment as may be prescribed and who shall always be available during the working hours of the mine.

(3) In every mine wherein more than five hundred persons are employed, there shall be provided and maintained such ambulances and stretchers as may be prescribed and an ambulance room of the prescribed size containing the prescribed equipment and in the charge of such medical and nursing staff as may be prescribed.

22. *Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.*—(1) If in respect of any matter for which no express provision is made in this Act, or in the regulations, rules or bye-laws or in any orders made thereunder it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.

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(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Chief Inspector or the Inspector may, by order in writing addressed to the owner, agent or manager of a mine, prohibit the extraction or reduction of pillars in any part of the mine if, in his opinion, such operation is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger the mine, or if, in his opinion, adequate provision against the outbreak of fire has not been made by providing for the sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by a fire, and the provisions of sub-sections (4), (5), (6) and (7) shall apply to an order made under this sub-section as they apply to an order made under sub-section (3).

(3) If the Chief Inspector or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(4) Where an order has been made under sub-section (3) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.

(5) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (3), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (4) shall forthwith report the same to the Central Government.

(6) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the Chief Inspector under sub-section (3), or sub-section (4), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision of the appeal, as the case may be, send his objection in writing stating the grounds thereof, to the Central Government which shall refer the same to a Committee.

(7) Every requisition made under sub-section (1), or order made under sub-section (3), or sub-section (4) to which objection is made under sub-section (6), shall be complied with pending the receipt at the mine of the decision of the Committee :

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1), pending its decision on the objection.

(8) Nothing in this section shall affect the powers of a magistrate under section 144 of the Code of Criminal Procedure, 1898 (Act V of 1898).

23. *Notice to be given of accidents.*—(1) Where there occurs in or about a mine—

(*a*) an accident causing loss of life or serious bodily injury, or

(*b*) an accidental explosion, ignition, spontaneous heating, outbreak of fire or irruption of water, or

(*c*) an accidental breakage of ropes, chains or other gear by which men are lowered or raised, or

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(*d*) an accidental overwinding of cages, while men are being lowered or raised, or

(*e*) a premature collapse of any part of the workings,

the owner, agent or manager of the mine shall give notice of the occurrence to such authority, in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials and shall ensure that the notice is kept on the board for not less than two months from the date of such posting.

(2) Where a notice given under sub-section (1) relates to an accident causing loss of life, the authority shall make an inquiry into the occurrence within two months of the receipt of the notice and, if the authority is not the Inspector, he shall cause the Inspector to make an inquiry within the said period.

(3) The Central Government may, by notification in the Official Gazette, direct that accidents other than those specified in sub-section (1), which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding forty-eight hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

(4) A copy of the entries in the register referred to in sub-section (3) shall be sent by the owner, agent, or manager of the mine, within fourteen days after the 30th day of June and the 31st day of December in each year, to the Chief Inspector.

24. *Power of Government to appoint Court of inquiry in cases of accidents.*—(1) When any accident occurs in or about a mine causing loss of life or serious bodily injury or when an accidental explosion, ignition, spontaneous heating, outbreak of fire, irruption of water, breakage of ropes, chains or other gear by which men are lowered or raised, or when an accidental overwinding of cages occurs in or about a mine while men are being lowered or raised, the Central Government may, if it is of opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person appointed to hold any such inquiry shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code (Act XLV of 1860).

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

25. *Notice of certain diseases.*—(1) Where any person employed in a mine contracts any disease notified by the Central Government in the Official Gazette as a disease connected with mining operations, the owner, agent or

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manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities, in such form and within such time as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section (1), the medical practitioner shall without delay send a report in writing to the Chief Inspector stating—

(*a*) the name and address of the patient,

(*b*) the disease from which the patient is or is believed to be suffering, and

(*c*) the name and address of the mine in which the patient is or was last employed.

(3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.

(4) If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to fifty rupees.

26. *Power to direct investigation of causes of disease.*—(1) The Central Government may, if it considers it expedient to do so, appoint a competent person to inquire into and report to it on any case where a disease notified under sub-section (1) of section 25 has been or is suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The provisions of sub-sections (2) and (3) of section 24 shall apply to an inquiry under this section in the same manner as they apply to any inquiry under that section.

27. *Publication of reports.*—The Central Government may cause any report submitted by a Committee under section 13 or any report or extracts from any report submitted to it under section 26, and shall cause every report submitted by a Court of inquiry under section 24 to be published at such time and in such manner as it may think fit.

CHAPTER VI.

HOURS AND LIMITATION OF EMPLOYMENT.

28. *Weekly day of rest.*—No person shall be allowed to work in a mine on more than six days in any one week.

29. *Compensatory days of rest.*—(1) Where in pursuance of action under section 38 or as a result of exempting any mine or the persons employed therein from the provisions of section 28, any person employed therein is deprived of any of the weekly days of rest for which provision is made in section 28, he shall be allowed, within the month in which such days of rest were due to him or within the two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived.

(2) The Central Government may prescribe the manner in which the days of rest for which provision is made in sub-section (1) shall be allowed.

30. *Hours of work above ground.*—(1) No adult employed above ground in a mine shall be required or allowed to work for more than forty-eight hours in any week or for more than nine hours in any day.

(2) The periods of work of any such adult shall be so arranged that, along with his interval for rest, they shall not in any day spread over more than twelve hours, and that he shall not work for more than five hours continuously before he has had an interval for rest of at least half an hour:

Provided that the Chief Inspector may, for reasons to be recorded, increase the period of spread over to fourteen hours in any day.

(3) No person belonging to two or more relays shall be allowed to do work of the same kind above ground at the same moment:

Provided that, for the purposes of this sub-section, persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

31. *Hours of work below ground.*—(1) No adult employed below ground in a mine, except a pump-minder, an on setter or attendant of continuously operated machinery, shall be allowed to work for more than forty-eight hours in any week or for more than eight hours in any day.

(2) No adult excepted under sub-section (1) shall be allowed to work for more than fifty-four hours in any week or for more than nine hours in any day.

(3) Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than eight hours in the case of adults referred to in sub-section (1), and nine hours in the case of adult referred to in sub-section (2), in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than the hours stipulated in sub-section (1) or sub-section (2), as the case may be.

(4) No adult employed in a mine shall be allowed to be in any part of a mine below ground, except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 48.

32. *Special provision for night relays.*—Where a worker works in a relay whose period of work extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and the hours he has worked after midnight shall be counted towards the previous day.

33. *Extra wages for overtime.*—(1) Where a person employed in a mine works therein for more than forty-eight hours whether above or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages if he works below ground, and at one and a half times that rate if he works above ground.

(2) Where any person employed in a mine is paid on piece-rate basis, the Central Government shall, in consultation with the employer concerned and the representatives of the persons employed in the mine, fix for the purposes of this section time rates which shall, as nearly as possible be equivalent to the average rate of earnings of the persons so employed, and the rates so fixed shall be deemed to be the ordinary rates of wages of such persons.

(3) For the purposes of this section 'ordinary rate of wages' means the basic wages *plus* such allowances including the cash equivalent of the advantage accruing through the sale on a concessional basis of foodgrains and other articles as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus.

(4) The Central Government may prescribe the registers to be maintained in a mine for the purpose of securing compliance with the provisions of this section.

34. *Prohibition of employment of certain persons.*—No person shall be allowed to work in a mine who has already been working in any other mine within the preceding twelve hours.

35. *Limitation of periods of overtime work.*—Save in respect of cases falling within clause (*a*) of section 39, no person employed in a mine shall be allowed to work for more than ten hours in any day, inclusive of overtime, nor shall the total number of hours of his overtime work exceed fifty for any one quarter :

Provided that—

(i) subject to the previous approval of the Chief Inspector, the daily maximum hours specified in sections 30 and 31 may be exceeded in order to facilitate a change of shifts ;

(ii) an adult, engaged in work which for technical reasons must be continuous throughout the day, may be employed for fifty-six hours a week.

Explanation.—In this section 'quarter' means a period of three consecutive months beginning with the 1st day of January, April, July or October.

36. *Notices regarding hours of work.*—(1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of relays, the time of the commencement and of the end of work for each relay.

(2) In the case of a mine at which mining operations commence after the commencement of this Act, the notice referred to in sub-section (1) shall be posted not less than seven days before the commencement of work.

(3) The notice referred to in sub-section (1) shall also state the time of the commencement and of the intervals for rest for persons employed above ground and a copy thereof shall be sent to the Chief Inspector, if he so requires.

(4) Where it is proposed to make any alteration in the time fixed for the commencement or for the end of work in the mine generally or for any relay or in the rest intervals fixed for persons employed above ground, an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change is made, and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change.

(5) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1).

37. *Supervising staff.*—Nothing in section 28, section 30, section 31, section 34 or sub-section (4) of section 36 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

38. *Exemption from provisions regarding employment.*—(1) In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, or in case of an accident, whether actual or apprehended, or in case of any act of God or in case of any urgent work to be done to machinery, plant or equipment of the mine as the result of breakdown of such machinery, plant or equipment, the manager may, subject to the provisions of section 22 and in accordance with the rules under section 39, permit persons to be employed in contravention of section 28, section 30, section 31, section 34 or sub-section (4) of section 36, on such work as may be necessary to protect the safety of the mine or of the persons employed therein :

Provided that, in case of any urgent work to be done to machinery, plant or equipment under this section, the manager may take the action permitted by this section, although the production of coal would thereby be incidentally affected, but any action so taken shall not exceed the limits necessary for the purpose of avoiding serious interference with the ordinary working of the mine.

(2) Every case in which action has been taken by the manager under sub-section (1), shall be recorded together with the circumstances relating thereto and a report thereof shall also be made to the Chief Inspector or the Inspector.

39. *Power to make exempting rules.*—The Central Government may make rules providing for the exemption, to such extent and subject to such conditions as may be specified, from the provisions of sections 28, 30, 31, 34 or sub-section (4) of section 36,—

(*a*) of all or any of the persons employed in a mine, where an emergency involving serious risk to the safety of the mine or of the persons employed therein is apprehended ;

(*b*) of all or any of the persons so employed, in case of an accident, actual or apprehended ;

(*c*) of all or any of the persons engaged in urgent repairs ; and

(*d*) of all or any of the persons employed in any work which for technical reasons must be carried on continuously throughout the day.

40. *Employment of adolescents.*—(1) No adolescent shall be allowed to work in any part of a mine which is below ground unless—

(*a*) a medical certificate in the prescribed form granted to the adolescent by a certifying surgeon certifying that he is fit for work as an adult is in the custody of the manager of the mine ;

(*b*) the adolescent carries, while at work, a token giving a reference to such certificate ;

(*c*) the adolescent has an interval for rest of at least half an hour after every four and a half hours of continuous work on any day.

(2) Notwithstanding anything contained in this Act, no adolescent who has been granted a certificate under sub-section (1) shall be employed in any mine except between the hours of 6 A.M. and 6 P.M. :

Provided that the Central Government may, by notification in the Official Gazette, vary the hours of employment of such adolescent in respect of any mine or class of mines so however that no employment of any such adolescent between the hours of 10 P.M. and 5 A.M. is permitted thereby.

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41. *Certificate of fitness.*—(1) A certificate of fitness granted or renewed for the purposes of section 40—

(*a*) shall be valid only for a period of twelve months from the date thereof;

(*b*) may be subject to specified conditions in regard to employment generally or the nature of the work in which the adolescent may be employed.

(2) A certifying surgeon shall revoke a certificate granted or renewed under section 40, if in his opinion the holder of it is no longer fit for work in the capacity stated therein in a mine.

(3) Where a certifying surgeon refuses to grant or renew a certificate or revokes a certificate, he shall, if so required by the person concerned, state his reasons in writing for so doing.

(4) Where a certificate under section 40 with reference to any adolescent is granted or renewed subject to such conditions as are referred to in clause (*b*) of sub-section (1), an adolescent shall not be required or allowed to work in any mine except in accordance with those conditions.

(5) The adolescent or his parents shall not be liable to pay any part of the expenses of any medical examination under section 40 in all cases where the application for a medical certificate is accompanied by a document signed by the manager of a mine stating that the adolescent to be examined will be employed in the mine if certified to be fit for work therein or the application is made by the manager of the mine in which the adolescent desires to be employed.

42. *Effect of certificate of fitness granted to adolescents.*—An adolescent, who has been granted a certificate of fitness to work in a mine as an adult under section 40, and who while actually employed in a mine carries a token giving a reference to such certificate, shall be deemed to be an adult for the purposes of this Act.

43. *Power to require medical examination.*—Where an Inspector is of opinion that any person employed in a mine without a certificate of fitness is an adolescent or that an adolescent working in a mine with a certificate of fitness is no longer fit to work in the capacity stated in the certificate, he may serve on the manager of the mine a notice requiring that such person or adolescent, as the case may be, shall be examined by a certifying surgeon and such person or adolescent shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been granted a certificate of fitness, or a fresh certificate of fitness as the case may be, under section 40, or has been certified by the certifying surgeon examining him not to be an adolescent.

44. *Working hours for adolescents not certified to be fit for work as adults.*—(1) No adolescent who has not been granted a medical certificate certifying that he is fit for work as an adult shall be employed or permitted to be employed above ground or in any workshop or power station in a mine or in any open cast workings in a mine—

(*a*) for more than four and a half hours in any day; or

(*b*) between the hours of 6 P.M. and 6 A.M.

(2) The period of work of all such adolescent employed in a mine shall be limited to two shifts which shall not overlap or spread over more than five hours each, and each such adolescent shall be employed in only one

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of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(3) The provisions of section 28 shall apply to such adolescents and notwithstanding anything contained in sub-section (1) of section 38 or in section 39, no exemption from the provisions of section 28 shall be granted in respect of any adolescent.

45. *Employment of children.*—(1) No child shall be employed in any mine, nor shall any child be allowed to be present in any part of a mine which is below ground or in any open excavation in which any mining operation is being carried on.

(2) After such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, no child shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on.

46. *Employment of women.*—No woman shall be employed at any time of the day or night in any part of a mine which is below the adjacent ground level, and no woman shall be employed in any mine above ground except between the hours of 6 A.M. and 7 P.M.:

Provided that the Central Government may, by notification in the Official Gazette, vary the hours of employment of women, above ground in respect of any mine or class or description of mine, so however that no employment of any woman between the hours of 10 P.M. and 5 A.M. is permitted thereby.

47. *Disputes as to age.*—(1) If any question arises between the Chief Inspector or Inspector and the manager of any mine as to whether any person is a child or an adolescent the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.

(2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall for the purposes of this Act, be conclusive evidence as to the age of the person to whom it relates.

48. *Registers of persons employed.*—(1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing in respect of each such person—

(*a*) the name of the employee, with the name of his father or, of her husband, as the case may be, and such other particulars as may be necessary for purposes of identification;

(*b*) the age and sex of the employee;

(*c*) the nature of his employment whether above ground, below ground or open cast workings, and the date of commencement thereof;

(*d*) the periods of work fixed for him;

(*e*) the intervals for rest, if any, and the days of rest to which he is entitled;

(*f*) in the case of an adolescent, reference to the certificate of fitness granted under section 40;

(*g*) where work is carried on by a system of relays, the relay to which he belongs and the hours of relay, that is to say, the period of work fixed for him;

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(*h*) such other particulars as may be prescribed;

and the relevant entries shall be authenticated by the signature or the thumb impression of the person concerned.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the period of work shown in respect of him in the register.

(4) For every mine, other than a mine which is exempted by the Central Government by general or special order, there shall be kept in the prescribed form and place separate registers showing in respect of each person employed in the mine, (*a*) below ground, (*b*) in open cast workings and (*c*) above ground—

(*a*) the name of the employee;

(*b*) the nature of his employment;

(*c*) where work is carried on by a system of relays, the relay to which he belongs and the hours of relay, that is to say, the period of work fixed for him.

(5) The register of persons employed below ground referred to in sub-section (4) shall show at any moment the name of every person who is then present below ground in the mine.

CHAPTER VII

LEAVE WITH WAGES

49. *Leave defined.*—For the purposes of this Chapter leave shall not, except as provided in section 51, include weekly days of rest or holidays for festivals or other similar occasions.

50. *Application of Chapter.*—The provisions of this Chapter shall not operate to the prejudice of any rights to which a person employed in a mine may be entitled under any other law for the time being in force or under the terms of any award, agreement or contract of service, and, where any such award, agreement or contract of service provides for a longer leave with wages than is provided in this Chapter, such person shall be entitled to such longer leave only.

51. *Annual leave with wages.*—(1) Every person employed in a mine who has completed a period of twelve months' continuous service therein shall be allowed, during the subsequent period of twelve months, leave with full pay or wages based on the average pay or wages for the twelve months immediately preceding the leave, as provided in section 52, and such leave shall be calculated at the rate of—

(*i*) if he is an employee paid by the month, fourteen days for such period of twelve months;

(*ii*) if he is an employee paid by the week, or a loader, or other person employed below ground on a piece-rate basis, seven days for such period of twelve months.

(2) The twelve months' continuous service referred to in sub-section (1) shall be deemed to have been completed,—

(*a*) in the case of a loader, or other person employed below ground on a piece-rate basis, if he has during the said period of twelve months put in not less than one hundred and ninety attendances at the mine ;

(*b*) in the case of a person employed above ground on a piece-rate basis or in the case of any other person who is paid by the month, week or day, if he has during the said period of twelve months put in not less than two hundred and sixty-five attendances at the mine.

Explanation.—In either of the above cases the period of leave shall be inclusive of the weekly days of rest and any holiday (if granted) which may occur during such period.

(3) If any person employed in a mine who is paid by the month does not in any one such period of twelve months take the whole of the leave allowed to him under sub-section (1), any leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months :

Provided that the total number of days of leave which may be accumulated by any such person shall not exceed twenty-eight days in all.

(4) Any such person may, during any such period of twelve months, apply in writing to the manager of the mine, not less than fifteen full working days before the day on which he wishes his leave to begin, for all leave or any portion thereof allowable to him during that period under sub-sections (1) and (3).

(5) No application for leave made in accordance with the provisions of this section shall ordinarily be refused, unless the authority empowered to grant the leave is of the opinion that owing to the exigencies of the situation the leave should be refused.

(6) If any person entitled to leave under this section is discharged from the mine before he has taken or has been allowed to take the entire leave to which he is entitled, the owner, agent or manager of the mine shall pay to him the pay or wages payable under section 51 in respect of the leave not taken and such payment shall be made before the expiry of the second working day after the day on which his employment is terminated.

Explanation 1.—For the purposes of this section, a person shall be deemed to have completed a period of continuous service in a mine, notwithstanding any interruption of service during that period brought about by—

(*i*) sickness, accident or authorised leave not exceeding in the aggregate one-sixth of that period, or

(*ii*) a strike, which is not an illegal strike, or

(*iii*) a lock-out, or

(*iv*) one or more periods of involuntary unemployment not exceeding in the aggregate one-twelfth of the period, or

(*v*) leave admissible or granted under any other law.

Explanation 2.—Authorised leave shall include any casual absence due to any reasonable cause :

Provided that the person concerned, within a week from the commencement of the absence, gives the reasons for such absence in writing to the owner, agent or manager of the mine, and any such period of authorised leave may include periods of unauthorised leave not exceeding in the aggregate one-thirty-sixth of the period of continuous service, but not weekly days of

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rest allowed under section 28 which occurs at the beginning or end of an interruption brought about by the leave.

Explanation 3.—"Illegal strike" means a strike which is an illegal strike within the meaning of section 24 of the Industrial Disputes Act, 1947 (XIV of 1947) or of any other law for the time being in force.

52. *Wages during leave period.*—(1) For the leave allowed to a loader, or other person employed below ground on a piece-rate basis, he shall be paid at a rate equal to the daily average of his earnings for the month of December prior to his leave :

Provided that if no such average earnings are available, then the average shall be computed on the basis of the daily average earnings of all persons similarly employed for the same month, and for the purpose of such computation the cash equivalent of the advantage accruing to such persons through the free issue of food grains and any compensation in cash drawn by them during the said month shall be taken into account.

(2) For the leave allowed to a person employed in a mine who is paid by the month or week he shall be paid at a rate equal to his normal daily wages during the week preceding his leave, and in computing such wages the cash equivalent of the advantage accruing to him through the free issue of food grains and any compensation in cash drawn by him shall also be taken into account.

53. *Payment in advance in certain cases.*—Any person employed in a mine who has been allowed leave for not less than ten days in the case of a person paid by the month, and five days, either in the case of a person paid by the week or in the case of a loader, or other person employed below ground on a piece-rate basis, shall, before his leave begins, be paid the wages due for the period of the leave allowed.

54. *Power of Inspector to act for an employee.*—Any Inspector may institute proceedings on behalf of any person employed in a mine to recover any sum required to be paid by an employer under this Chapter, which has not been paid by the employer.

55. *Power to make rules.*—The Central Government may, by rules, prescribe the maintenance by owners, agents or managers of mines of registers showing such particulars as may be required for the puposes of this Chapter and requiring such registers to be made available for examination by Inspectors.

56. *Power to exempt mines.*—Where the Central Government is satisfied that the leave rules applicable to persons employed in any mine provide benefits which in its opinion are not less favourable than those provided for in this Chapter, it may, by order in writing and subject to such conditions as may be specified therein, exempt the mine from all or any of the provisions of this Chapter.

CHAPTER VIII

REGULATIONS, RULES AND BYE-LAWS

57. *Power of Central Government to make regulations.*—The Central Government may, by notification in the Official Gazette, make regulations consistent with this Act for all or any of the following purposes, namely :—

(*a*) for prescribing the qualifications required for appointment as Chief Inspector or Inspector ;

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(*b*) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act;

(*c*) for prescribing the duties of owners, agents and managers of mines and of persons acting under them, and for prescribing the qualifications of managers of mines and of persons acting under them;

(*d*) for requiring facilities to be provided for enabling managers of mines and other persons acting under them to efficiently discharge their duties;

(*e*) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency;

(*f*) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates;

(*g*) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications;

(*h*) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency;

(*i*) for regulating, subject to the provisions of the Indian Explosives Act, 1884 (IV of 1884), and of any rules made thereunder, the storage, conveyance and use of explosives;

(*j*) for prohibiting, restricting or regulating the employment of women in mines or in any class of mines or on particular kinds of labour which are attended by danger to the life, safety or health of such women and for limiting the weight of any single load that may be carried by a woman;

(*k*) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidences;

(*l*) for prohibiting the employment in a mine either as manager or in any other specified capacity of any person except persons paid by the owner of the mine and directly answerable to the owner or manager of the mine;

(*m*) for providing for the safety of the roads and working places in mines, including the siting, maintenance and extraction of pillars and the maintenance of sufficient barriers between mine and mine;

(*n*) for the inspection of workings and sealed off fire-areas in a mine, and for the restriction of workings under rivers, tanks, water-courses, public roads and buildings and for requiring due precaution to be taken against the onrush of water into, outbreak of fire in or premature collapse of, any workings;

(*o*) for providing for the ventilation of mines and the action to be taken in respect of dust, fire, and inflammable and noxious gases,

including precautions against spontaneous combustion, underground fire and coal dust;

(*p*) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrial apparatus used for signalling or for other purposes of communication;

(*q*) for providing for the safety of persons present on haulage roads and for restricting the use of certain classes of locomotives underground;

(*r*) for providing for proper lighting of mines and regulating the use of safety lamps therein and for the search of perons entering a mine in which safety lamps are in use;

(*s*) for providing against explosions or ignitions or irruptions of or accumulations of water in mines and against danger arising therefrom and for prohibiting, restricting or regulating the extraction of minerals in circumstances likely to result in the premature collapse of or to result in or to aggravate the collapse of or irruptions of water or ignitions in mines;

(*t*) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted;

(*u*) for prescribing the plans to be kept by owers, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record and for the submission of copies thereof to the Chief Inspector;

(*v*) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines;

(*w*) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 16;

(*x*) for prescribing the notice to be given by [the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act., 1890 (IX of 1890), or of any public work or classes of public works which the Central Government may, by general or special order, specify in this behalf;

(*y*) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in the Government or any local authority or railway company as defined in the Indian Railways Act, 1890 (IX of 1890);

(*z*) for requiring the fencing of any mine or part of a mine or any quarry, incline, shaft, pit or outlet, whether the same is being worked or not or any dangerous or prohibited area, subsidence, haulage, tramline or pathway, where such fencing is necessary for the protection of the public; and

(*zz*) any other matter which has to be or may be prescribed.

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58. *Power of Central Government to make rules.*—The Central Government may, by notification in the Official Gazette, make rules consistent with this Act for all or any of the following purposes, namely :—

(*a*) for providing for the appointment of Chairman and members of Mining Boards, and for regulating the procedure of such Boards;

(*b*) for prescribing the form of the register referred to in sub-section (3) of section 23;

(*c*) for providing for the appointment of Courts of inquiry under section 24, for regulating the procedure and powers of such Courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such Courts from the manager, owner or agent of the mine concerned;

(*d*) for requiring the maintenance in mines wherein any women are employed or were employed on any day of the preceding twelve months of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women employed in the mine, the number and standards of such rooms, and the nature and extent of the amenities to be provided and the supervision to be exercised therein;

(*e*) for requiring the maintenance at or near pit-heads of bathing places equipped with shower baths and of locker-rooms for the use of men employed in mines and of similar and separate places and rooms for the use of women in mines where women are employed, and for prescribing, either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms;

(*f*) for prescribing the standard of sanitation to be maintained and the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts, and the training of men in ambulance work;

(*g*) for prohibiting the possession or consumption of intoxicating drinks or drugs in a mine and the entry or presence therein of any person in a drunken state;

(*h*) for prescribing the forms of notices required under section 36, and for requiring such notices to be posted also in specified languages;

(*i*) for defining the persons who shall, for the purpose of section 37, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity;

(*j*) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;

(*k*) for prescribing the form of the certificate of fitness required by section 40, the conditions subject to which and the circumstances in which they may be granted and the circumstances in which they may be revoked;

(*l*) for prescribing the form of registers required by section 48;

(*m*) for prescribing abstracts of this Act and of the regulations and rules and the language in which the abstracts and bye-laws shall be posted as required by sections 61 and 62;

(*n*) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be submitted;

(*o*) for requiring the provision and maintenance in mines, wherein more than one hundred and fifty persons are ordinarily employed, of adequate and suitable shelters for taking food with provision for drinking water;

(*p*) for requiring the provision and maintenance in any mine specified in this behalf by the Chief Inspector or Inspector, wherein more than two hundred and fifty persons are ordinarily employed, of a canteen or canteens for the use of such persons;

(*q*) for requiring the employment in every mine wherein five hundred or more persons are ordinarily employed, of such number of welfare officers as may be specified and for prescribing the qualifications and the terms and conditions of, and the duties to be performed by, such welfare officer;

(*r*) for requiring the establishment of central rescue stations for groups of specified mines or for all mines in a specified area, and prescribing how and by whom such stations shall be established;

(*s*) for providing for the management of central rescue stations, and regulating the constitution, powers and functions of, and the conduct of business by, the authorities (which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned) charged with such management;

(*t*) for prescribing the position, equipment, control, maintenance and functions of central rescue stations;

(*u*) for providing for the levy and collection of a duty of excise (at a rate not exceeding six pies per ton) on coke and coal produced in and despatched from mines specified under clause (*r*), in any group or included under clause (*r*) in any specified area, the utilisation of the proceeds thereof for the creation of a central rescue station fund for such group or area and the administration of such funds;

(*v*) for providing for the formation, training, composition and duties of rescue brigades; and generally for the conduct of rescue work in mines; and

(*w*) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

59. *Prior publication of regulations and rules.*—(1) The power to make regulations and rules conferred by sections 57 and 58 is subject to the condition of the regulations and rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897 (X of 1897), as that after which a draft of regulations or rules proposed to be made will be taken under consideration,

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shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

(3) Before the draft of any regulation is published under this section it shall be referred to every Mining Board which is, in the opinion of the Central Government concerned with the subject dealt with by the regulation, and the regulation shall not be so published until each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

(4) No rule shall be made unless the draft thereof has been referred to every Mining Board constituted in that part of the territories to which this Act extends which is affected by the rule, and unless each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

(5) Regulations and rules shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

(6) The provisions of sub-sections (1), (2) and (4) shall not apply to the first occasion on which rules referred to in clause (*d*) or clause (*e*) of section 58 are made.

(7) The regulations and rules made under sections 57 and 58 shall be laid before Parliament, as soon as may be, after they are made.

60. *Power to make regulations without previous publication.*—Notwithstanding anything contained in sub-sections (1), (2) and (3) of section 59, regulations under clause (*i*) and clauses (*k*) to (*s*) excluding clause (*l*) of section 57 may be made without previous publication and without previous reference to Mining Boards, if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference:

Provided that any regulations so made shall not remain in force for more than two years from the making thereof.

61. *Bye-laws.*—(1) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(2) If any such owner, agent or manager—

(*a*) fails to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(*b*) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient, the Chief Inspector or Inspector may—

(i) propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) propose such amendments in any draft submitted to him, by the owner, agent or manager as will, in his opinion, render it sufficient, and shall send such draft bye-laws or draft amendments to the owner, agent or manager as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Central Government may, by general or special order, appoint in this behalf.

(4) (*a*) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the Central Government for approval.

(*b*) The Central Government may make such modification of the draft bye-laws as it thinks fit.

(*c*) Before the Central Government approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the Central Government may think best adapted for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected should be sent to the Central Government.

(*d*) Every objection shall be in writing and shall state—

(i) the specific grounds of objections, and

(ii) the omissions, additions or modifications asked for.

(*e*) The Central Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(5) The bye-laws, when so approved by the Central Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such other language or languages as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(6) The Central Government may, by order in writing rescind, in whole or in part, any bye-law so made, and thereupon such bye-law shall cease to have effect accordingly.

62. *Posting up of abstracts from Act, regulations, etc.*—There shall be kept posted up at or near every mine in English and in such other language or languages as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

CHAPTER IX

PENALTIES AND PROCEDURE

63. *Obstruction.*—(1) Whoever obstructs the Chief Inspector, an Inspector, or any person authorised under section 8 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief

Inspector, Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

64. *Falsification of records, etc.*—Whoever—

(*a*) counterfeits, or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or

(*b*) knowingly uses as true any such counterfeit or false certificate, or

(*c*) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purposes of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or

(*d*) falsifies any plan or register or record the maintenance of which is required by or under this Act, or

(*e*) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

65. *Use of false certificates of fitness.*—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 40 a certificate granted to another person under that section, or, having been granted a certificate of fitness to himself under that section, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

66. *Omission to furnish plans, etc.*—Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.

67. *Contravention of provisions regarding employment of labour.*—Whoever, save as permitted by section 38, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both, and, if the contravention is continued after conviction, with a further fine which may extend to seventy-five rupees for each day on which the contravention is so continued.

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68. *Penalty for double employment of young persons.*—If a child or an adolescent is employed in a mine on any day on which he has already been employed in another mine, his parent or guardian or the person who has the custody of suh child or adolescent or who obtains any direct benefit from his wages shall be punishable with fine which may extend to fifty rupees, unless it appears to the court that the child or adolescent was so employed without the consent or connivance of such parent, guardian or person.

69. *Failure to appoint manager.*—Whoever in contravention of the provisions of section 17, fails to appoint a manager shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both, and if the contravention is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.

70. *Notice of accidents.*—(1) Whoever in contravention of the provision of sub-section (1) of section 23 fails to give notice of any accidental occurrence or to post a copy of the notice on the special notice board referred to in that sub-section and to keep it there for the period specified shall be punishable with imprisonment for a term which may extent to three months, or with fine which may extent to five hundred rupees, or with both.

(2) Whoever in contravention of a direction made by the Central Government under sub-section (3) of section 23 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

71. *Owner, etc., to report to Chief Inspector in certain cases.*—Where the owner, agent or manager of a mine, as the case may be, has taken proceedings under this Act against any person employed in or about a mine in respect of an offence under this Act, he shall within twenty-one days from the date of the judgment or order of the court report the result thereof to the Chief Inspector.

72. *Obligation of persons employed in a mine.*—No person employed in a mine shall—

(*a*) wilfully interfere with or misuse any appliance, convenience or other thing provided in a mine for the purpose of securing the health, safety or welfare of the persons employed therein;

(*b*) wilfully and without reasonable cause do anything likely to endanger himself or others;

(*c*) wilfully neglect to make use of any appliance or other thing provided in the mine for the purpose of securing the health or safety of the persons employed therein.

73. *Disobedience of orders.*—Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and if the contravention is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.

74. *Contravention of law with dangerous results.*—(1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable,—

(*a*) if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both ; or

(*b*) if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both ; or

(*c*) if such contravention otherwise causes injury or danger to persons employed in the mine or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(2) Where a person having been convicted under this section is again convicted thereunder he shall be punishable with double the punishment provided by sub-section (1).

(3) Any court imposing, or confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative :

Provided that if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

75. *Prosecution of owner, agent or manager.*—No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the district magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector :

Provided that in respect of an offence committed in the course of the technical direction and management of a mine, the district magistrate shall not institute any prosecution against an owner, agent or manager without the previous approval of the Chief Inspector.

76. *Determination of owner in certain cases.*—Where the owner of a mine is a firm or other association of individuals, any one of the partners or members thereof or where the owner of a mine is a public company, any one of the directors thereof, or where the owner of a mine is a private company, any one of the shareholders thereof, may be prosecuted and punished under this Act for any offence for which the owner of a mine is punishable :

Provided that where a firm, association or company has given notice in writing to the Chief Inspector that it has nominated,—

(*a*) in the case of a firm, any of its partners,

(*b*) in the case of an association, any of its members,

(*c*) in the case of a public company, any of its directors, or

(*d*) in the case of a private company, any of its shareholders,

who is resident in each case in any place to which this Act extends to assume the responsibilities of the owner of the mine for the purposes of this Act, such partner, member, director or shareholder, as the case may be, shall, so long as

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he continues to so reside, be deemed to be the owner of the mine for the purposes of this Act, unless notice in writing cancelling his nomination or stating that he has ceased to be a partner, member, director or shareholder, as the case may be, is received by the Chief Inspector.

77. *Exemption of owner, agent or manager from liability in certain cases.*—Where the owner, agent or manager of a mine, accused of an offence under this Act, alleges that another person is the actual offender, he shall be entitled, upon complaint made by him in this behalf and on giving to the prosecutor not less than three clear days notice in writing of his intention so to do, to have that other person brought before the court on the date appointed for the hearing of the case; and if, after the commission of the offence has been proved, the owner, agent or manager of the mine, as the case may be, proves to the satisfaction of the court—

(*a*) that he has used due diligence to enforce the execution of the relevant provisions of this Act, and

(*b*) that the other person committed the offence in question without his knowledge, consent or connivance,

the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, agent or manager of the mine, and the owner, agent or manager, as the case may be, shall be acquitted:

Provided that—

(*a*) the owner, agent or manager of the mine, as the case may be, may be examined on oath and his evidence and that of any witness whom he calls in support shall be subject to cross-examination by or on behalf of the person he alleges as the actual offender and by the prosecutor;

(*b*) if in spite of due diligence the person alleged as the actual offender cannot be brought before the court on the date appointed for the hearing of the case, the court shall adjourn the hearing thereof from time to time so however that the total period of such adjournments does not exceed three months, and if by the end of the said period the person alleged as the actual offender cannot be brought before the court, the court shall proceed to hear the case against the owner, agent or manager, as the case may be.

78. *Power of court to make orders.*—(1) Where the owner, agent or manager of a mine is convicted of an offence punishable under this Act, the court may, in addition to awarding him any punishment, by order in writing, require him within a period specified in the order (which may be extended by the court from time to time on application made in this behalf) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the owner, agent or manager of the mine, as the case may be, shall not be liable under this Act in respect of the continuance of the offence during the period or extended period, if any, but if on the expiry of such period or extended period the order of the court has not been fully complied with, the owner, agent or manager, as the case may be, shall be deemed to have committed a further offence and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or with both.

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79. *Limitation of prosecutions.*—No court shall take cognizance of any offence under this Act, unless complaint thereof has been made—

(*i*) within six months of the date on which the offence is alleged to have been committed, or

(*ii*) within six months of the date on which the alleged commission of the offence came to the knowledge of the Inspector, or

(*iii*) in any case where a Court of inquiry has been appointed by the Central Government under section 24, within six months after the date of the publication of the report referred to in sub-section (4) of that section,

whichever is later.

80. *Cognizance of offences.*—No court inferior to that of a presidency magistrate or magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

81. *Reference to Mining Board or Committee in lieu of prosecution in certain cases.*—(1) If the court trying any case instituted at the instance of the Chief Inspector or of the district magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee it may stay the criminal proceedings, and report the matter to the Central Government with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the Central Government may refer the case to a Mining Board or a Committee, or may direct the court to proceed with the trial.

CHAPTER X.

MISCELLANEOUS.

82. *Decision of question whether a mine is under this Act.*—If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Central Government may decide the question, and a certificate signed by a Secretary to the Central Government shall be conclusive on the point.

83. *Power to exempt from operation of Act.*—The Central Government may, by notification in the Official Gazette, exempt either absolutely or subject to any specified conditions any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any of the provisions of this Act:

Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 45 unless it is also exempted from the operation of all the other provisions of this Act.

84. *Power to alter or rescind orders.*—The Central Government may reverse or modify any order passed under this Act.

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85. *Applications of Act to mines belonging to Government.*—This Act shall apply to mines belonging to the Government.

86. *Application of certain provisions of Act LXIII of 1948 to mines.*—The Central Government may, by notification in the Official Gazette, direct that the provisions of Chapters III and IV of the Factories Act, 1948 (LXIII of 1948) shall, subject to such exceptions and restrictions as may be specified in the notification, apply to all mines and the precincts thereof.

87. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

88. *Repeal of Act IV of 1923.*—The Indian Mines Act, 1923 (IV of 1923) is hereby repealed.

K. V. K. SUNDARAM,
Secretary to the Government of India.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No L.D. 1997—Legis. 5-51-97, dated Bangalore, 30th January 1952.

Ordered that Notification No. S.R.O: 44, dated the 7th December 1951 of the Ministry of Finance (Department of Economic Affairs)—the Restricted Auditors Certificates (Part B States) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 12th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(Department of Economic Affairs).

CHARTERED ACCOUNTANTS.

New Delhi, the 7th December 1951.

S.R.O. 44.—In exercise of the powers conferred by sub-section 2 (a) of section 144 of the Indian Companies Act, 1913, (VII of 1913), the Central Government hereby makes the following rules, namely :—

1. (1) These Rules may be called the Restricted Auditors' Certificates (Part B States) Rules, 1951.

(2) They extend to all Part B States other than the State of Jammu and Kashmir.

(3) They shall come into force at once.

2. In these rules, unless the context otherwise requires—

(a) "Council" means the Council of the Institute of Chartered Accountants of India,

(b) "Form" means a form appended to these rules,

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(c) "Institute" means the Institute of Chartered Accountants of India,
(d) "Secretary" means the Secretary to the Council,
(e) "Year" means the period commencing on the 1st day of April of any year and ending on the 31st day of March of the succeeding year.

3. (1) Every person holding a certificate granted under a law in force in the whole or in any portion of a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, (III of 1951), entitling him to act as an auditor of companies in that State or any portion thereof shall, if he desires to continue to act as such auditor, make an application within three months from the commencement of these rules, to the Secretary in Form A.

(2) Every such application shall be accompanied by the original certificate or a duly certified copy thereof, together with a spare copy of the certificate.

4. (1) On receiving an application under rule 3, the Council shall, unless the applicant is subject to any of the disabilities specified in rule 10, enter his name in a register to be called the Restricted Auditors' Certificates (Part B States) Register.

(2) The Council shall maintain the register referred to in sub-rule (1) in Form B.

5. (1) Every person whose name has been entered in the Register referred to in rule 4 shall be entitled to receive a certificate from the Council in Form C.

(2) Every such certificate shall be valid until the 30th June in the year next following.

6. Any person referred to in rule 3 who fails to make an application to the Council within the period specified in that rule or having made such an application has been refused a certificate under rule 5 shall cease to be entitled to be appointed to act as an auditor under sub-section (2) of section 144 of the Indian Companies Act, 1913.

7. In the month of April each year, every holder of a certificate referred to in rule 5, intending to continue to practise as an auditor shall send a report to that effect to the Secretary in Form D in respect of the renewal of the certificate. A person who fails to send such a report shall cease to be entitle to be appointed to act as an auditor and his name shall be removed from the Register referred to in rule 4 unless, on an application made in this behalf, the Council condones the omission. The name so removed shall be notified in the *Gazette of India*.

8. The Council shall, on condonation of the omission referred to in rule 7, restore the name of the person to the Register. The restoration shall be notified in the *Gazette of India*.

9. (1) Every person entitled to act as an auditor of companies under rule 3 shall, so long as he is so entitled, style himself as "Restricted State Auditor" or where he practises under a trade name as "Restricted State Auditors" and shall use the letters "R.S.A." after his name.

(2) A firm shall not be entitled to style itself "Restricted State Auditor" unless all of its partners are entitled to act as auditors of companies under rule 3 above.

10. The Council may at any time suspend or cancel a certificate referred to in rule 5.

(1) if the holder,

(a) has been adjudged by a competent court to be of unsound mind,
(b) is an undischarged insolvent,
(c) being a discharged insolvent has not obtained a certificate from the court that his insolvency was caused by misfortune without any misconduct on his part,

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(d) has been convicted by a competent court, whether within or without India, of an offence involving moral turpitude and punishable with transportation or imprisonment or of an offence not of a technical nature, committed by him in his professional capacity unless he has been granted a pardon in respect of the offence committed, or on an application made by him in this behalf, the Central Government has, by an order in writing, removed the disability,

(e) has been declared by the Central Government not be a fit and proper person to be hol er of a certificate under rule 5 by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity, or of any breach of professional propriety, provided that before making such a declaration the Central Government shall call upon the auditor to show cause why his certificate should not be cancelled and cause such enquiry to be made, as it may consider proper and necessary.

(*Explanation*.—Without prejudice to the generality of the reference to any breach of professional propriety, any act or omission specified in the Appendix to these Rules shall be deemed to be such breach.)

(2) on a request received from the auditor in this behalf:

Provided that the Council shall restore his name to the Register if the auditor makes a request to the Council to that effect within one year of the date of such suspension or cancellation.

The restoration shall be notified in the *Gazette of India*.

11. The suspension or cancellation of a certificate shall be notified in the *Gazette of India* and communicated to the holder of the certificate at his usual address.

12. For the purpose of a sub-clause (e) of clause (1) of rule 10, the following procedure shall be followed:—

(1) Subject to the provisions of this rule, all complaints regarding any act of negligence, misconduct, or dishonesty or any breach of professional propriety referred to in sub-clause (e) of clause (1) of rule 10 against a holder of the certificate referred to in rule 5 shall be investigated and all other enquiries relating to misconduct of such a holder shall be held by the Disciplinary Committee of the Council.

(2) A complaint referred to in clause (1) other than a complaint made by or on behalf of the Central or State Government, shall be in Form E.

(3) Every such complaint shall contain the following particulars, namely,

(a) the acts and omissions which if proved would render the person complained against unfit and not a proper person to be a holder of the certificate;

(b) the oral or documentary evidence relied upon in support of the allegations made in the complaint.

(4) The Secretary shall return the complaint which is not in the proper form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such time as the Secretary may specify.

(5) Within sixty days ordinarily of the receipt of a complaint referred to in clause (1) including a complaint by or on behalf of the Central Government or a State Government, the Secretary shall,

(a) if the complaint is against an individual auditor, send a copy thereof to such an auditor at his address entered in the Register;

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(b) if the complaint is against a firm, send a copy of the complaint to the firm at the address of the head office of the firm as communicated by the complainant, calling upon the firm to disclose the name of the auditor concerned and to send a copy of the complaint to such auditor.

(*Explanation* :—A notice to the firm shall be a notice to all the auditors who are partners or employees of that firm.)

(6) An auditor against whom the complaint is made may within fourteen days of the service of a copy of the complaint under clause (5) of rule 12 or within such time as may be extended by the Secretary, forward to the Secretary a written statement in his defence verified in the same manner as a pleading in a Civil Court.

(7) If on a perusal of the complaint other than a complaint by or on behalf of the Central or a State Government and the written statement, if any, of the auditor concerned and other relevant documents and papers, the Council is of the opinion that there is a *prima facie* case against such an auditor the Council shall cause an enquiry to be made in the matter by the Disciplinary Committee of the Council. If the Council is of the opinion that there is no *prima facie* case against the auditor concerned the complaint shall be filed and the complainant the Auditor concerned and the Central Government shall be informed accordingly.

(8) Notwithstanding anything hereinbefore contained in this rule, the Secretary shall forward a complaint received from or on behalf of the Central or State Government together with the written statement, if any, of the auditor concerned direct to the Disciplinary Committee of the Council for enquiry.

(9) Every notice issued by the Secretary or by the Disciplinary Committee under this rule shall be sent to the auditor or the firm concerned by registered post with acknowledgment due. If such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice, the notice shall be deemed to have been served. If the notice is returned unserved with an endorsement that the addressee cannot be found at the address given, the Secretary shall ask the complainant to supply to him the correct address of the auditor or the firm concerned. A fresh notice shall be served upon the auditor of the firm at the address so supplied.

(10) It shall be the duty of the Secretary to place before the Disciplinary Committee, all facts brought to his knowledge which are relevant for the purpose of an enquiry by the Disciplinary Committee.

(11) An auditor against whom the complaint is made shall have the right to defend himself before the Disciplinary Committee of the Council either in person or through a legal representative or any other Restricted State Auditor or a Member of the Institute.

(12) Except as otherwise provided in these rules, the Disciplinary Committee of the Council shall have the power to regulate its procedure in such manner as it considers necessary and during the course of enquiry may examine witnesses on oath, receive affidavits and any other oral or documentary evidence.

(13) The Disciplinary Committee of the Council shall submit its report to the Council and the Council shall consider the report of the Disciplinary Committee and after making such further enquiry if any, as it may deem necessary, forward the same together with its findings to the Central Government.

(14) On receipt of the findings of the Council, the Central Government shall pass such orders as it may consider fit or may refer the case back for further enquiry by the Council and upon receipt of the finding after such enquiry pass final orders thereon.

APPENDIX

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[*See* Rule 10 (1) (e)]

A restricted State Auditor shall be deemed to be guilty of breach of professional propriety rendering him to be unfit to act as such if he:

(a) represents that he is a member of the Institute of Chartered Accountants of India or uses the designation "Chartered Accountant" and/or words likely to create an impression that he is a member of the Institute:

(b) allows any person to practise in his name as restricted State Auditor unless such a person is also a Restricted State Auditor and is in partnership with or employed by his firm or himself;

(c) pays or allows or agrees to pay or allow, directly or indirectly, to any person other than a Restricted State Auditor or a retired partner or a nominee or the legal representative of such partner, any share, commission, or brokerage in the fees or profits of his professional services;

(d) accepts or agrees to accept any part of the profits of the professional work of a lawyer, auctioneer, broker or other agent who is not a Restricted State Auditor;

(e) enters into partnership with any other person other than a Restricted State Auditor or secures either through the services of a person not qualified to be a Restricted State Auditor or by means which are not open to a Restricted State Auditor, any professional business;

(f) solicits clients or professional work either directly or indirectly, by circular, advertisement personal communication or interview or by any other means;

(g) advertises his professional attainments of service, or uses any designation or expression other than "Restricted State Auditor" on professional documents, letter-heads, visiting-cards or sign-boards, unless it be a degree of a University established by law in India or recognised by the Council;

(h) discloses information acquired in the course or his professional engagement to any person other than his client, or otherwise than as required by any law in force for the time being;

(i) accepts a position as auditor previously held by a Restricted State Auditor or a Chartered Accountant without first communicating with him in writing;

(j) accepts an appointment as auditor of a company without first ascertaining from it whether the requirements of section 144 of the Indian Companies Act, 1913 (VII of 1913), in respect of the appointments of auditors, have been duly complied with;

(k) certifies, or submits in his name or in the name of his firm a report of an examination of financial statements unless the examination of such statements and the related records has been made by him or by a partner or any employee in his firm or by another Restricted State Auditor;

(l) permits his name or the name of his firm to be used in connection with an estimate of earnings contingent upon future transaction in a manner which may lead to the belief that he vouches for the accuracy of the forecast;

(m) expresses his opinion of financial statements of any business or any enterprise in which he, his firm or a partner in his firm has a substantial interest, unless he discloses the interest also in his report;

(n) charges in respect of his professional employment fees which are based on the percentage of profits or which are contingent on results;

(o) engages in any business or occupation other than the professional or a restricted State Auditor unless permitted by the Council to be so engaged: PROVIDED that nothing contained herein shall disentitle in a Restricted State Auditor from being a director in a company unless he or any of his partners is interested in such a company as auditor;

(p) fails to disclose a material fact known to him which is not disclosed in a financial statement; but disclosure of which is necessary to make the financial statement not misleading;

(q) fails to report a material misstatement known to him to appear in a financial statement with which he is concerned in a professional capacity;

(r) is grossly negligent in the conduct of his professional duties;

(s) fails to obtain sufficient information to warrant the expression of an opinion or his exceptions are sufficiently material to negate the expression of an opinion;

(t) fails to invite attention to any material departure from the generally accepted procedure of auditor applicable to the circumstances;

(u) fails to keep monies of his client in a separate banking account or to use such monies for which they are intended;

(v) includes in any statement, return or form to be submitted to the Central or State Government or the Institute any particulars knowing them to be false;

(w) is guilty of such other act or omission in his professional capacity as may be specified by the Council or the Central Government by a notification in the *Gazette of India*.

FORM A.

[*See* rule 3 (1)] 231

Form of Application for a Restricted State Auditors' Certificate.

To

The Secretary to the Council of the
Institute of Chartered Accountants of India.

Sir,

I beg to apply for a Restricted State Auditors' Certificate for practising in the State of..... I also hereby declare that I am not subject to any of the disabilities stated in rule 10 of the Restricted State Auditors' Certificates (Part B States) Rules, 1951.

1. Name in full (block letters).
2. Professional address.
3. Residential address.
4. Father's name.
5. Nationality
6. Date of birth*
7. Particulars of qualifications*
8. Place of business.
9. Date of commencement of business.
10. Occupation in full.
11. Whether holding a salaried employment in addition to practice as auditor.
12. Whether engaged in any other occupation besides 10 and 11 above.
13. Whether intend to continue engagement at 11 and 12 in addition to practice.
14. Whether at any time debarred from practising as an accountant or auditor and if so the reason and duration thereof.

2. I hereby declare that if granted a Registered State Auditor's Certificate, I will be bound by the rules that are in force or may be made from time to time by the Central Government hereafter.

3. I also send herewith the original/certified true copies of the State Auditors' Certificate held by me in the State of ..... with an additional spare copy thereof.

Yours faithfully,

Place.....

Date.....

N.B.—*Documentary evidence in respect of the date of birth and qualification will have to be produced with this application.

FORM B.

[*See* rule 4 (2)] 832

Restricted Auditors' Certificates (Part B States) Register.

(1) No.
(2) Name.
(3) Father's name.
(4) Date of birth.
(5) Professional address
(6) Residential address.
(7) Qualifications.
(8) Certificate for the State of
(9) Date of Issue.
(10) Whether practising independently or in partnership and name of firm.
(11) Whether holding a salaried employment in addition to his practice as an auditor.
(12) Remarks.

FORM C.

[*See* rule 5 (I)]

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

Restricted State Auditors' Certificate.

This is to certify that.....has been granted a Restricted State Auditor's Certificate for practice within the State of.....He is, therefore entitled to be appointed and to act as auditor of companies within the State of.....

This certificate is valid from the.....day of.....19 to the 30th day of June 19 , inclusive,

Given under the Common Seal of the Institute of Chartered Accountants of India, this..... .....day of.....19 .

Seal

President.

Secretary.

FORM D

[*See* rule 7]

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Report of the intention to continue practice in the State of.....

To

The Secretary to the Council of the Institue of Chartered Accountants of India.

Dear Sir,

I hereby apply for the renewal of my Restricted State Auditors' Certificate within the State of.....

*2. I declare that I am not engaged in any other occupation or business besides the profession of accountancy. If and when I intend to be so engaged. I shall obtain the prior permission of the Council.

*3. I am engaged in other occupation (s) besides the practice of the profession of accountancy as.....for which permission of the Council has already been obtained (*vide* their letter No.....dated.....).

4. As and when I cease to be in practice, I shall duly inform the Council.

5. I hold the Restricted State Auditors' Certificate No..... for practice within the State of.....for the period ending.....

Yours faithfully,

Signature,
R.S A.C. No.

Place.....

Date.....

* Delete the para not applicable.

FORM E.

[*See* rule 12(2)]

Form of Complaint.

BEFORE THE COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

BETWEEN

Petitioner.

AND

Respondent.

Petitioner's address.

Particulars of complaint in paragraphs consecutively numbered.

Particulars of evidence, oral and documentary, if any to substantiate the complaint.

VERIFICATION.

I,.....the petitioner do hereby declare that what is stated above is true to the best of information, knowledge and belief,

Verified to-day the.....day of.....19 at.....

S gnature.
[No. 61(9)ICA/51.]
B. K. KAUL, Dy. Secy.

NOTIFICATION. 834

No. L.D. 2000—Legis. 6-51-54, dated Bangalore, 30th January 1952.

Ordered that Notification No. S.R.O. 45, dated the 12th January 1952 of the Ministry of Finance (Department of Economic Affairs) under the Foreign Exchange Regulation Act, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 12th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 12th January 1952.

S.R.O.45.—In exercise of the powers conferred by sub-section (3) of section 23 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government hereby authorises all Collectors, Deputy Collectors and Assistant Collectors of Customs or of Central Excise to make complaints in writing within the local limits of their respective jurisdictions in cases of import or export of gold or silver in contravention of section 8 of the said Act.

[No. 7(14)-EF-VII/51.]

S. S. SHIRALKAR, Dy. Secy,

NOTIFICATION.

No. L.D. 1993—Legis. 5-51-98, dated Bangalore 30th January 1952.

Ordered that Notification No. S.R.O. 53, dated the 8th January 52 of the Ministry of Rehabilitation the Displaced Persons (Debts djustment) Rules, 1951, published in the *Gazette of India*, Part II, ection 3, dated the 12th January 1952, be republished in the *Mysore azette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government.
Law Department.

MINISTRY OF REHABILITATION 835

New Delhi, the 8th January 1952.

S.R.O. 53.—In exercise of the powers conferred by section 57 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951) the Central Government hereby makes the following rules, namely :—

1. *Short Title.*—These rules may be called the Displaced Persons (Debts Adjustment) Rules, 1951.

2. *Definitions.*—In these rules unless the context otherwise requires :—
(a) "form" means a form in the Schedule to these rules;
(b) "Section" means a section of the Act;
(c) "the Act" means the Displaced Persons (Debts Adjustment) Act, 1951.

3. *Additional Particulars to be given in an application under Section* 5.—Besides the particulars specified in sub-section (2) of section 5 an application under sub-section (1) of that section shall contain the following additional particulars, namely :—

(a) Where the applicant or respondent is a minor or a person of unsound mind, a statement to that effect;
(b) a statement of any fact or circumstance which in the opinion of the applicant should be taken into account by the Tribunal in the adjustment of the debts.

4. *Form of notice under Section* 5.—The notice referred to in Section 5 shall be in Form A.

5. *Form and contents of Application under Section* 10.—Every application by a displaced person under section 10 shall be as nearly as may be, in the form of a plaint in a suit under the Code of Civil Procedure, 1908 (Act V of 1908) and shall contain the following particulars, namely :—

(a) the name of the Tribunal to which the application is made;
(b) the name, description and place of residence of the displaced debtor against whom the application is made;
(c) where the applicant or the respondent is a minor or a person of unsound mind, a statement to that effect;
(d) the amount of the debts due from the displaced debtor and full particulars relating thereto;
(e) a statement of any such fact or circumstance as may in his opinion be helpful to the Tribunal in the determination of the application.

6. *Form of notice under Section* 11.—The notice referred to in section 11 shall be in Form B.

7. *Form and contents of application under Section* 13.—Every application by a displaced creditor under section 13 against a person who is not a displaced debtor shall be, as nearly as may be, in the form of a plaint in a suit under the Code of Civil Procedure, 1908 (Act V of 1908) and shall contain the following particulars namely :—

(a) the name of the Tribunal to which the application is made;
(b) the name, description and place of residence of the applicant;
(c) the name, description and place of residence of the respondent;
(d) where the applicant or respondent is a minor or a person of unsound mind, a statement to that effect;
(e) the amount of debts due from the displaced debtor and full particulars relating thereto; and

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(f) a statement of any such fact or circumstance as in the opinion of the applicant, may be helpful to the Tribunal in the determination of the application.

8. *Form of notice under Section* 14.—The notice referred to in section 14 shall be in Form C.

9. *Registers.*—The following registers shall be maintained by every Tribunal, namely :—

(a) a separate register in form D of applications under each of the sections 5, 10, 13 and 18 and

(b) a register in Form E of notices referred to in rules 4, 6 and 8.

SCHEDULE

FORM A

Notice

(*See* rule 4)

To

(Name, description and place of residence.)

Respondent.

Whereas (name of the applicant) has made an application against you to this Tribunal for the adjustment of his debts under section 5 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951) :

You are hereby called upon to show cause, if any, against the application by filing a written statement containing objections thereto within fifteen days of the service of this notice upon you.

Given under my hand and seal of the Tribunal, this.....day of.....195 .

Tribunal.

FORM B

Notice 837

(*See* rule 6)

To

(Name, description and place of residence of the displaced debtor.)

Respondent.

Whereas (name of the applicant) has made an application against you under section 10 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951):

You are hereby called upon either to show cause, if any, against the application within fifteen days of the service upon you of this notice or to make an application on your behalf under section 5 of the aforesaid Act within thirty days of the service upon you of this notice.

Given under my hand and the seal of the Tribunal, this.....day of.....195

Tribunal.

FORM C

Notice

(*See* rule 8)

To

(Name, description and place of residence.)

Respondent.

Whereas (name of the applicant) has made an application against you under section 13 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951):

You are hereby called upon to show cause, if any, against the application within fifteen days of the service of this notice upon you.

Given under my hand and the seal of the Tribunal, this.....day of.....195 .

Tribunal.

FORM D.

Register of Applications.

(*See* Rule 9).

1	2	3	4	5	6	7	8	9	10			11			12	13	14
									Modification of the decree on appeal, review, etc.			Execution					
									(a)	(b)	(c)	(a)	(b)	(c)			
Serial Number	Date of presentation	Name and address of person making application	Names and addresses of respondents	Section of the Act under which application made	Amount of debt for which adjustment is sought or in the case of creditor, amount claimed	Number of hearings in the suit and duration of hearing	Date of passing final order	Amount for which decree has been passed	Date	Nature of the order and court by which order passed	Purport of the order	Date of application	Date of final order	Result	Date of despatch of record to the record-keeper	Number in the record-keeper's register with the date of consignment in the record room	Remarks

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FORM E.

Register of Notices.

(*See* Rule 9).

1	2	3	4	5	6	7	8	9
Serial No.	Serial number in the register of applications	Date of issue	Name and address of applicant	Name and address of respondent to whom notice issued	Mode of service of notice	Date of return of notice	Whether notice has been served or not. If served mention date	Remarks

[No. 68(20)/51-Prop.]

NOTIFICATION.

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No. L D. 1999—Legis. 5-51-99, dated Bangalore, 30th January 1952.

Ordered that Notification No. S.R.O. 60, dated the 3rd January 1951 of the Ministry of Works, Production and Supply amending the Cinematograph Film Rules, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 12th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 3rd January 1952.

S R.O. 60.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to the storage and transport of cinematograph films having a nitrocellulose base by the Notifications of the Government of India in the late Department of Labour No. Ex. 108, dated the 14th January 1946, in the late Ministry of Works, Mines and Power No. MII-104(3), dated the 24th January 1951 and in the Ministry of Works, Production and Supply No. M-128(9)(vi), dated the 18th May 1951, the Central Government hereby directs that the following further amendments shall be made in the Cinematograph Film Rules, 1948, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely :—

In the said Rules, for the first proviso to rule 18, the following proviso shall be substituted namely :—

"Provided that no licence shall be required for the storage of film :—

(a) in any quantity not exceeding 200 lbs. in any place licensed under the Cinematograph Act, 1918, for the giving of exhibition by means of a cinematograph, or

(b) in any quantity not exceeding 20 lbs. if the film is kept in prescribed containers and in a well ventilated room which is not used as a living room."

[No. M-108(5)/51.]

A. K. SEN, Under Secy.

NOTIFICATION.

No. L.D. 2248—Legis. 6-51-58, dated Bangalore, 4th March 1952.

Ordered that Notification No. S.R.O. 157, dated the 25th January 1952, from the Ministry of Home Affairs appointing the 4th February 1952 as the date on which the Official Trustees Act, 1913, would come into force in Part B States, published in the *Gazette of India*, Part II, Section 3, dated the 2nd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS.

New Delhi, the 25th January 1952.

S.R.O. 157.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Official Trustees Act, 1913 (II of 1913), the Central Government hereby directs that the said Act shall come into force in all Part B States other than the State of Jammu and Kashmir on the 4th February 1952.

[No. 52/52-I-Judicial.]

E. C. GAYNOR, Dy. Secy.

NOTIFICATION

No. L.D. 2249—Legis. 6-51-59, dated Bangalore, 4th March 1952.

Ordered that Notification No. S.R.O. 158, dated the 25th January 1952 of the Ministry of Home Affairs, appointing the 4th February 1952 as the date on which the Administrator General's Act, 1913, would come into force in Part B States, published in the *Gazette of India*, Part II, Section 3, dated the 2nd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 25th January 1952.

S.R.O. 158.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Administrator General's Act 1913 (III of 1913), the Central Government hereby directs that the said Act shall come into force in all Part B States other than the State of Jammu and Kashmir on the 4th February 1952.

[No. 52/52-II-Judicial.]

E. C. GAYNOR, Dy. Secy.

NOTIFICATION.

No. L.D. 125—Legis. 5-52-1, dated Bangalore, 5th April 1952.

Ordered that Notification No. S.R.O. 416, dated the 29th February 1952 of the Ministry of Natural Resources and Scientific Research, amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 8th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 29th February 1952.

S.R.O. 416.—In exercise of the powers conferred by section 5 of the **Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central** Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

1. To sub-rule (1) of Rule 13 the following sentence shall be added at the end, namely :—

"No prospecting licence shall be granted to any person unless he produces before the state Government an income-tax clearance certificate from **the Income-tax Officer of the District where he resides and carries on** business."

2. To sub-rule (1) of Rule 26 the following sentence shall be added at the end, namely :—

"No mining lease shall be granted to a person who applies under Rule 61, unless he produces before the State Government an income-tax clearance certificate from the Income-tax Officer of the District where he resides and carries on business."

No. M.II-152 (73).]

T. GONSALVES, Dy. Secy.

NOTIFICATION.

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No. L.D. 127—Legis. 5-52-3, dated Bangalore, 5th April 1952.

Ordered that Notification No. S.R.O. 428, dated the 4th March 1952, of the Ministry of Labour under the payment of Wages Act, 1936, rescinding the Payment of Wages (Railways) Rules, 1937, published in the *Gazette of India*, Part II, Section 3, dated the 8th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 4th March 1952.

S.R.O. 428.—In exercise of the powers conferred by sub-sections (2) and (3) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby rescinds the Payment of Wages (Railways) Rules, 1937.

[No. Fac. 49 (7)A.]

K. N. NAMBIAR, Under Secy.

NOTIFICATION.

No. L.D. 126—Legis. 5-52-2, dated Bangalore, 5th April 1952.

Ordered that Notification No. S.R.O. 429, dated the 4th March 1952 of the Ministry of Labour amending the Payment of Wages (Federal Railways) Rules, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 8th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 4th March 1952. 849

S.R.O. 429.—In exercise of the powers conferred by sub-sections (2) and (3) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby directs that the following further amendments shall be made in the Payment of Wages (Federal Railways) Rules, 1938, the same having been previously published as required by sub-section (5) of section 26 of the said Act, namely :—

Amendment.

1. Throughout the rules, for the words, "Federal Railways" and "Federal Railway" wherever they occur, the words "railways and "railway" respectively, shall be substituted.

2. After sub-rule (1) of rule I, the following sub-rule shall be inserted, namely:—
"(IA) They extend to the whole of India except the State of Jammu and Kashmir."

3. Clause (f) of rule 2 shall be omitted.

[No. Fac.-49 (7)B.]

K. N. NAMBIAR, Under Secy.

NOTIFICATION.

No. L.D. 126—Legis. 5-52-4, dated Bangalore, 7th April 1952.

Ordered that Notification No. S.R.O. 437, dated the 13th March 1952 of the Ministry of Commerce and Industry amending the Cotton Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 13th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 13th March 1952.

S.R.O. 437.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government

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hereby directs that the following further amendments shall be made in the Cotton Control Order, 1950, namely :—

In the said Order :—

(I) In sub-clause (1) of clause 9B

(A) For item (a) the following shall be substituted, namely :—

"(a) (i) has sold a minimum quantity of 3,000 bales of cotton directly to any manufacturer during any of the cotton seasons 1946-47, 1947-48, 1948-49, 1949-50 and 1950-51 ; or

(ii) is a member of the East India Cotton Association Ltd., Bombay, or being a citizen of India, was a member of the Karachi Cotton Association Ltd., during any of the cotton seasons, 1946-47 and 1947-48 ;

shall be entitled to an 'A' class licence."

(B) For item (c) (i) the following shall be substituted, namely :—

"(c) (i) carried on business in cotton in any of the areas specified by the Textile Commissioner in this behalf during any of the cotton seasons 1946-47, 1947-48, 1948-49, 1949-50 and 1950-51, or held a valid licence for carrying on business in cotton in any of the said areas from the appropriate authority under any local or Central law for the time being in force during the said seasons ; or "

(II) In clause 5 of form 'A'—

(A) In the first paragraph, the sentence "He shall not during the period ..... purchase any kapas" shall be deleted ;

(B) In the third paragraph, for the words, letters and marks "'B' class licensee or an 'A' class licensee" the words "manufacturer or a licensee of any class" shall be substituted.

[No. 44 (25)-CT(A)/51-(XXVI).]

P. GOVINDAN NAIR,

Dy. Secy.

NOTIFICATION

No. L D. 129—Legis. 6-52-1, dated Bangalore, the 7th April 1952.

Ordered that Notification No. S.R.O. 466, dated the 5th March 1952, of the Ministry of Labour, appointing authorities to decide disputes that may arise in respect of the employer's special contribution, etc., under the Employees' State Insurance Act, 1948, published in the *Gazette of India*, Part III, Section 3, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 5th March 1952.

S.R.O. 466.—In pursuance of the powers conferred by section 73-B of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby specifies that the following authorities, shall decide any question or dispute arising in respect of the employers special contribution payable or recoverable under chapter V. A of the said Act, within their respective jurisdictions :—

Name of State	Authority empowered to hear disputes under chapter V-A of the Employees' State Insurance Act, 1948	Jurisdiction
	Part *A*	
Bihar	The Chairman, Bihar Industrial Tribunal.	State of Bihar.
Bombay	1. The Commissioner for Workmen's Compensation, Bombay	Greater Bombay.
	2. The Judge Labour Court Ahmedabad.	Ahmedabad Taluka of the Ahmedabad District.
	3. The Judge, Labour Court, Jalgaon.	Jalgaon Taluka of the East Khandesh District.
	4. The Judges of the Courts of Small Causes at Poona and Baroda.	The areas within the limits of their respective jurisdictions.
	5. All Civil Judges Junior Division) and where there are no Civil Judges (Junior Division), Civil Judges (Senior Division) in the state of Bombay except the Civil Judges (Senior Division) and Civil Judges (Junior Division) exercising jurisdiction within the following areas :— (*i*) Ahmedabad Taluka of the Ahmedabad District. (*ii*) Jalgaon Taluka of the East Khandesh District, and (*iii*) the areas falling within the jurisdictions of the Judges of the Courts of Small Causes at	The areas within the limits of their respective jurisdictions.

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Name of State	Authority empowered to hear disputes under chapter V-A of the Employees' State Insurance Act, 1948	Jurisdiction
	Poona and Baroda.	
Madras ...	1. The Commissioner for Workmen's Compensation, Madras.	Madras City.
	2. The Additional Commissioner for Workmen's Compensation, Madras. (Assistant Commissioner of Labour).	Districts of North Arcot, South Arcot, Chinglepat, Coimbatore, South Kanara, Malabar, Mathurai, Nilgiris, Ramanathapuram, Salem, Tanjore, Tiruchirapalli and Tirunelveli.
	3. The Additional Commissioner for Workmen's Compensation, Madras (Additional Assistant Commissioner of Labour.)	Districts of Anantpur, Bellary, Chittoor, Cuddapah, Guntur, East and West Godavari, Krishna, Kurnool, Nellore, Visakhapatnam and Srikakulam.
Uttar Pradesh ...	1. Regional Conciliation Officers, Allahabad.	Allahabad Region consisting of the districts of Allahabad, Banda, Banaras, Mirzapur, Partapgarh, Sultanpur, Jaunpur (excluding Sugar Factory), Ghazipur, Ballia and Fatehpur.
	2. Regional Conciliation Officer, Gorakhpur.	Gorakhpur Region consisting of the districts of Bahraich, Gonda, Azamgarh, Basti, Gorakhpur and Deoria.
	3. Regional Conciliation Officer Lucknow.	Lucknow Region consisting of the districts of Lucknow, Sitapur, Kheri, Hardoi, Unnao, Rae Bareli, Bara Banki, Faizabad and Sugar Faciory at Shahganj in Jaunpur District.
	4. Regional Conciliation Officer, Agra.	Agra Region consisting of the districts of Agra, Aligarh, Etah (excluding Neoli Sugar Factory in Etah District), Etawah, Mainpuri, Jhansi proper and Mathura.
	5. Regional Conciliation Officer, Bareilly.	Bareilly Region consisting of the districts of Bareilly, Shahjahanpur, Naini Tal, Garhwal, Rampur, Moardabad, Budaun, Pilbhit (Neoli Sugar Factory in Etah District), Bijnor, Almora and Tehri-Garhwal.
	6. Regional Conciliation Officer, Meerut.	Meerut Region consisting of the districts of Dehra Dun, Saharanpur, Muzaffarnagar, Meerut and Bulandshahr.
West Bengal ...	The Judges of Industrial Tribunal.	
	Part B	
Mysore ...	The Industrial Tribunals in Mysore.	
Rajasthan ...	The Judge, Industrial Tribunal, Rajasthan.	
Travancore-Cochin ...	The Chairman, Industrial Tribunals at (1) Trivandrum, (2) Alleppey and (3) Ernakulam.	
	Part C	
Coorg ...	1 Munsiff-Magistrate, Mercara 2. Muniff-Magistrate, Virajpet.	In their respective jurisdictions.
Bhopal ...	1. District-Magistrate, Sehore. 2. District Magistrate, Reisen 3. Additional District Magistrate, Bhopal City.	In their respective jurisdictions.
Vindhya Pradesh ...	All Deputy Commissioners in Vindhya Pradesh.	In their respective jurisdictions.

[No. SS. 122(25).]

K. N. NAMBIAR, Under Secy.

NOTIFICATION.

No. L D. 131—Legis. 5-52-5, dated Bangalore, the 7th April 1952.

Ordered that Notification No. S.R.O. 469, dated the 7th March 1952, of the Ministry of Labour, amending the Industrial Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part III, Section 3, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Dehli, the 7th March 1952.

S.R.O. 469.—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendments shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely :—

Amendments

In the said Rules—

(1) Rule 21A shall be omitted.

(2) For Rule 30 the following rule shall be substituted, namely :—

"30. *Form of authority under section 36.*—The authority in favour of a person to represent a workman or an employer in any proceeding under the Act shall be in Form CC."

(3) After rule 51, the following rules shall be inserted, namely :—

"51A. *Complaints regarding change of conditions of service, etc.*—Every complaint under section 33A of the Act shall be presented in triplicate in Form DD and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint."

(4) For sub-rule (2) of Rule 52, the following sub-rule shall be substituted, namely :—

"(2) On receipt of a notice of a strike under sub-rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter."

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(5) In the Schedule—

(a) after Form C, the following Form shall be inserted, namely :—

Form CC

(See rule 30)

Before (here mention the authority concerned)

Reference N..... of .....

..... *Workmen*

..... *Versus* .....

..... Employer

In the matter of.....

I/We, hereby authorise Shri..... ....

to represent me/us in the above matter.

Date this.....day of.....195

Accepted.

(Signature)

Address :

(Signature)

Address:

(b) after Form D, the following Form shall be inserted, namely :—

Form DD

(See rule 51A)

Before the Industrial Tribunal.....

Complaint under section 33A of the Industrial Disputes Act, 1947.

A..... ....Complainant (s)

Address :—

Versus

B..... .....Opposite Party (ies)

Address :—

In the matter of Reference No.....

The petitioner (s) beg (s) to complain that the Opposite Party (ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) as shown below:

(here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged).

The complainant (s) accordingly pray (s) that the Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 51A of the Industrial Disputes (Central) Rules, 1947, are submitted herewith.

S. NEELAKANTAM,

Dy. Secy.

(Signed)

Dated this.....day of 195

[No. LR1 (194)]

NOTIFICATION. 850

No. L.D. 130—Legis. 6-52-2, dated Bangalore, 7th April 1952.

Ordered that Notification No. S.R.O. 470, dated the 8th March 1952, of the Ministry of Labour under the Industrial Disputes Act, 1947, amending S.R.O. 35, dated the 5th January 1952, published in the *Gazette of India*, Part II, Section 3, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 8th March 1952.

S.R.O. 470.—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th January 1952, namely :—

In the said notification after the words "Industrial Tribunal" the words "to be called the All-India Industrial Tribunal (Bank Disputes)" shall be inserted.

[No. IR-100(4)]

S. NEELAKANTAM,
Dy. Secy.

NOTIFICATION.

L.S. 150—L.W. 276-51-4, Dated Bangalore, 9th April 1952.

Ordered that the Notification No. L.W.I.—24(33), dated the 19th March 1952 of the Ministry of Labour, Government of India, New Delhi, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR. 85

New Delhi, the 19th March 1952.

NOTIFICATION.

No. L.W.I.—24(33).—In exercise of the powers conferred by clause (*a*) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 and sub-section(2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages specified in the schedule hereto annexed which shall be payable to contract labour employed by the Central Public Works Department in the States of Madhya Bharat and Mysore in connection with building operations, stone breaking or stone crushing, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of publication of this notification.

SCHEDULE.

	All-inclusive minimum rates of wages per day.		
	Rs.	a.	p.
Madhya Bharat (Indore).—			
1. Mozdoor Man	1	4	0
2. „ Woman	1	0	0
3. „ Boy above 12 years ...	0	12	0
Mysore (Bangalore)—			
1. Mazdoor Man	1	8	0
2. „ Woman	1	0	0
3. „ Boy above 12 years ...	1	0	0

(Sd.) P. N. SHARMA, *Under Secretary.*

NOTIFICATION.

No. L.S. 172—L.W. 9 52-4, dated Bangalore, 10th April 1952.

Whereas an industrial dispute exists between the Management of the Government Procelain Factory and the Workmen employed in the said concern, in respect of the matters specified in the schedule below:

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes, Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore

hereby directs that the said dispute be referred for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L. S. 5330—L.W. 330-51-4, dated the 28th March 1952.

SCHEDULE.

1. Whether for the year 1949-50, the Government Porcelain Factory should grant a bonus to its employees and if so, is the bonus to be equal to one month's wages or salary?

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 180—L.W. 244-51-4, dated Bangalore, 11th April 1952.

Whereas by Order No. L.S. 3798—L.W. 244-51-2, dated 24th December 1951 made by the State Government an Industrial dispute between the Management of the Mysore Chemicals and Fertilizers, Ltd., Belagola, and the workmen employed in the said concern, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951;

And whereas His Highness the Maharaja of Mysore is of opinion that a further industrial dispute exists between the aforesaid parties;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore hereby refers for adjudication to the aforesaid Industrial Tribunal, the said further industrial dispute specified hereunder:—

"Is the mode of calculation adopted for the payment of bonus for the year 1950-51 by the Management, correct? If not, what is the correct mode of calculation and to what relief are the workmen entitled on this account?"

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 2387—Legis. 5-51-112, dated Bangalore, 20th March 1952.

Ordered that Notification No. S.R.O. 363, dated 12th February 1952, 364, dated 21st February 1952 and 365, dated 23rd February 1952 of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 1, dated the 1st March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 12th February 1952.

S.R.O. 363.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For Regulation 527 of the said Regulations, the following regulation shall be substituted, namely :—

"524. Procedure for Hydraulic test. Every economiser for registration shall be hydraulically tested in the presence of an Inspector to 1½ times the working pressure. Hydraulic tests of economisers at subsequent examinations shall, when required by the Inspector, be made after the inspection. The test pressure to be applied to economisers at subsequent examinations shall be from 1¼ to 1½ times the working pressure of the economisers. During the test, all parts externally and in the flues shall be noted for leakage."

[No. M/BL-304(66).]

New Delhi, the 21st February 1952.

S.R.O. 364.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the

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same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For the table annexed to Clause (a) of Regulation 49 of the said Regulations, the following table shall be substituted, namely :—

Test pieces	Ultimate tensile strength tons/sq. in.		Minimum elongation per cent			
			On 8 inch		On 2 inch	
	Not less than	Not more than	¼ in. thick and over	Less than ¼ in. thick	¼ in. thick and over	Less than ¼ in. thick
Strips cut from tubes and tested in their curved condition.	25	33	19	17	25	23
Test lengths taken from finished tubes (ends of tubes to be plugged for grips).	25	33	23	21	...	...

[No. M/BL-304(71).]

New Delhi, the 23rd February 1952.

S.R.O. 365.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For clause (a) of regulation 123 of the said Regulations the following clause shall be substituted, namely :—

"(a) The furnaces of vertical boilers may be constructed in one or more lengthwise sections, each section being rolled from one plate to a full circle. In such cases, the component sections may be jointed circumferentially by electrically butt-welding or riveting. Where welded, they shall be stress relieved."

[No. M/BL-304(58).]

N. P. DUBE,

Secy., Central Boilers Board.

NOTIFICATION. 855

No. L.D. 2385—Legis. 6-51-64, dated Bangalore, 20th March 1952.

Ordered that Notification No. S.R.O. 372, dated 26th February 1952 of the Ministry of Labour entrusting to the Governments of a Part B States, the functions of Central Government under the Indian Trade Unions Act, 1926, published in the *Gazette of India*, Part II, Section 1, dated the 1st March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 26th February 1952.

S.R.O. 372.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution and in supersession of the notification of the Government of India in the late Department of Labour No. L. 3006, dated the 16th January 1941, the President hereby entrusts with effect from 1st March 1952, to the Government of each Part A State, except the Government of Orissa and to the Government of each Part B State, except the Government of Jammu and Kashmir, with their consent, the functions of the Central Government under the Indian Trade Unions Act, 1926 (XVI of 1926), in relation to trade unions whose objects are not confined to, and whose head office is situated in that State.

[No. LR-26(74).]

N. C. KUPPUSWAMI, Under Secy.

NOTIFICATION. 856

No. L.D. 2386—Legis. 6-51-65, dated Bangalore, 20th March 1952.

Ordered that Notification No. S.R.O. 379 and 380, dated 25th February 1952 of the Ministry of Labour under the Industrial Disputes Act, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 1st March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 25th February 1952.

S.R.O. 379.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (XIV of 1947), and in supersession of the notifications of the Government of India in the Ministry of Labour No. LR. 1(121), dated the 19th April 1950, No. LR. 85(231)I, dated the 7th June 1950 and No. LR. 1(103)-I, dated the 1st October 1951, the Central Government hereby appoints each of the officers mentioned in column I of the Table annexed hereto as a conciliation officer for—

(i) all industries carried on by or under the authority of Central Government;
(ii) all Railways;
(iii) all mines, oil-fields and major ports; and
(iv) all banking and insurance companies;

in the area specified in the corresponding entries in column 2 of the said Table.

THE TABLE.

Designation of Officer (1)	Territorial Jurisdiction (2)
1. Chief Labour Commissioner (Central).	Whole of India except the State of Jammu and Kashmir.
2. Regional Labour Commissioner (Central), Ajmer.	The States of Punjab, Patiala and East Punjab States Union, Ajmer, Rajasthan and Madhya Bharat.
3. Regional Labour Commissioner (Central), Kanpur.	The States of Uttar Pradesh and Delhi.
4. Regional Labour Commissioner (Central), Calcutta.	The States of West Bengal (excluding coalmines) and Assam.

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(1)	(2)
5. Regional Labour Commissioner (Central), Dhanbad.	The States of Bihar, West Bengal (coal-mines only), Orissa and Vindhya Pradesh.
6. Regional Labour Commissioner (Central), Nagpur.	The States of Madhya Pradesh and Hyderabad.
7. Regional Labour Commissioner (Central), Bombay.	The States of Bombay, Saurashtra and Kutch.
8. Regional Labour Commissioner (Central), Madras.	The States of Madras, Mysore, Travancore-Cochin and Coorg.
9. Conciliation Officer (Central), Ajmer.	The States of Punjab, Madhya Bharat, Rajasthan, Himachal Pradesh, Ajmer and Patiala and East Punjab States Union.
10. Conciliation Officer (Central), Kanpur.	The districts of Tehri Garwal, Garhwal Almora, Nanital, Pilibhit, Shahjahanpur, Kheri, Unao, Kanpur, Jalaun, Manipur, Etawah, Farrukhabad, Hardoi, Sitapur, Agra, Etah, Mathura, Aligarh, Budaun, Bareilly, Rampur, Bulandshahr, Meerut, Muzaffarnagar, Saharanpur, Dehra-Dun, Bijnor, Moradabad, Jhansi and Lucknow in the State of Uttar Pradesh.
11. Conciliation Officer (Central), Allahabad.	The districts of Fatehpur, Rae-Bareilly, Sultanpur, Fyzabad, Basti, Allahabad, Partabgarh, Jaunpur, Azamgarh, Gorakhpur, Mirzapur, Banaras, Gahazipur, Ballia, Deoria, Banda, Hamirpur, Gonda, Bara-Banki and Baraich in the State of Uttar Pradesh.
12. Conciliation Officer (Central), Dhanbad.	The districts of Manbhum, Hazaribagh, Ranchi, Palamau and Gaya in the State of Bihar.
13. Conciliation Officer (Central), Asansol.	The districts of Singhbhum, Santhal Parganas in the State of Bihar and the State of West Bengal (in respect of coalmines only).
14. Conciliation Officer (Central), Patna.	The districts of Patna, Monghyr, Purnea, Bhagalpur, Muzaffarpur, Saran, Champaran, Shahbad and Dharbanga in the State of Bihar and the State of Vindhya Pradesh.
15. Conciliation Officer (Central), Cuttack.	The State of Orissa.
16. Conciliation Officer (Central), Calcutta-I.	The State of West Bengal.
17. Conciliation Officer (Central), Calcutta-II.	The State of West Bengal.
18. Conciliation Officer (Central), Gauhati.	The States of Assam, Manipur and Tripura.

(1)	(2)
19. Conciliation Officer (Central), Madras.	The districts of Madras, Nellore, Guntur, Chingleput, Krishna, Godavari (East and West), Vizagapatam, North and South Chittoor, Cuddapah, Kurnool, Bellary and Anantpur in the States of Madras and the States of Coorg and Mysore.
20. Conciliation Officer (Central), Madurai.	The districts of North and South Arcot, Tanjore, Trichinopoly, Madurai, Ramnad, Tinnevelly, Salem, Coimbatore, Nilgiris, Malabar and South Kanara, in the State of Madras and the State of Travancore-Cochin.
21. Conciliation Officer (Central), Bombay.	The districts of Ahemednagar, Thana, Kolaba, Nasik, East and West Khandesh, Surat, Rajpipla and the City of Bombay in the State of Bombay.
22. Conciliation Officer (Central), Poona.	The districts of Poona, Ratnagiri, Sholapur, Belagun, Satara, Bijapur, Dharwar and Kanara in the State of Bombay.
23. Conciliation Officer (Central), Rajkot.	The States of Saurashtra and Kutch and the districts of Ahmedabad, Broach and Panch Mahals, Kaia, Palampur, Sabar Kantha, Danta, Idar, Mejsana, Radhanpur, Baroda and Sirohi in the State of Bombay.
24. Conciliation Officer (Central), Secunderabad.	The State of Hyderabad.
25. Conciliation Officer (Central), Nagpur.	The States of Madhya Pradesh and Bhopal.

[No. LR. 1(201).]

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S.R.O. 380.—In pursuance of sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (XIV of 1947), and in supersession of the notifications of the Government of India in the Ministry of Labour No. LR. 1(13), dated the 26th May 1949, No. LR. 85(231)/II, dated the 7th June 1950, and No. LR. 1(103)II, dated the 6th October 1951, the Central Government hereby specifies each of the officers mentioned in column I of the Table hereto annexed in respect of the area mentioned in the corresponding entry in column 2 thereof as the authority to whom intimation by the employer of any lockout or strike referred to in the said sub-section shall be sent.

Designation of Officer (1)	Territorial Jurisdiction (2)
1. Conciliation Officer (Central), Kanpur.	The district of Tehri Garwal, Garhwal, Almora, Nanital, Pilibhit, Shahjahanpur, Kheri, Unao, Kanpur, Jalaun, Manipur, Etawah, Farrukhabad, Hardoi, Sitapur, Agra, Etah, Mathura, Aligarh, Budaum, Bareilly, Rampur, Bulandshahr, Meerut, Muzaffarnagar, Shaharanpur, Dehra-Dun, Bijnor, Moradabad, Jhansi and Lucknow in the State of Uttar Pradesh.
2. Conciliation Officer (Central), Allahabad.	The districts of Fatehpur, Rae-Bareilly, Sultanpur, Fyzabad, Basti, Allahabad, Partabgarh, Jaunpur, Azamgarh, Gorakhpur, Mirzapur, Banaras, Ghazipur, Ballia, Deoria, Banda, Hamirpur, Gonda, Bara-Banki and Baraich in the State of Uttar Pradesh.
3. Conciliation Officer (Central), Asansol.	The districts of Singhbhum, Santhal Parganas in the State of Bihar and the State of West Bengal in respect of Coalmine only.
4. Conciliation Officer (Central), Patna.	The districts of Patna, Monghyr, Purnea, Bhagalpur, Muzaffarpur, Saran, Champaran, Shahbad and Dharbanga the State of Bihar and the State of Vindhya Pradesh.
5. Conciliation Officer (Central), Cuttack.	The State of Orissa.
6. Conciliation Officer (Central), Calcutta-I.	The State of West Bengal.
7. Conciliation Officer (Central), Calcutta-II.	The State of West Bengal.
8. Conciliation Officer (Central), Gauhati.	The States of Assam, Manipur and Tripura.
9. Conciliation Officer (Central), Madras.	The districts of Madras, Nellore, Guntur Chingleput, Krishna, Godavari (East and West), Vizagapatam, North and South Chitoor, Cuddapah, Kurnool, Bellary and Anantpur in the State of Madras and the States of Coorg and Mysore.

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(1)	(2)
10. Conciliation Officer (Central), Madurai.	The districts of North and South Arcot, Tanjore, Trichinopoly, Madurai, Ramnad, Tinnevelly, Salem, Coimbatore, Nilgiris, Malabar and South Kanara in the State of Madras and the State of, Travancore Cochin.
11. Conciliation Officer (Central), Bombay.	The districts of Ahmednagar, Thana, Kolaba, Nasik, East and West Khandesh Surat, Rajpipla and the City of Bombay in the State of Bombay.
12. Conciliation Officer (Central), Poona.	The districts of Poona, Ratnagiri, Sholapur, Belgaum, Satara, Bijapur, Dharwar and Kanara in the State of Bombay.
13. Conciliation Officer (Central), Rajkot.	The States of Saurashtra and Kutch and the districts of Ahmedabad, Broach and Panch Mahals, Kaia, Palampur, Sabar Kantha, Danta, Idar, Mejsana, Radhanpur, Baroda and Sirohi in the State of Bombay.
14. Conciliation Officer (Central), Secunderabad.	The State of Hyderabad.
15. Conciliation Officer (Central), Nagpur.	The States of Madhya Pradesh and Bhopal.
16. Conciliation Officer (Central), Ajmer.	The States of Punjab, Madhya Bharat, Rajasthan, Himachal Pradesh, Ajmer and Patiala and East Punjab States Union.
17. Conciliation Officer (Central), Dhanbad.	The districts of Manbhum, Hazaribagh, Ranchi, Palam and Gaya in the State of Bihar.

[No. LR. 1(201)/I.]

S. MULLICK, Dy. Secy.

NOTIFICATION. 861

No. A.F. 279—I. & S. 1-52-2, dated Bangalore, 14th April 1952.

Ordered that the accompanying Notification No. S.C. (A)-4 (125), dated the 3rd March 1952, of the Government of India, Ministry of Commerce and Industry, New Delhi, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.
MINISTRY OF COMMERCE AND INDUSTRY.
NOTIFICATION.

New Delhi, the 3rd March 1952.

No. S.C. (A)-4 (125). In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely :—

The following proviso shall be added to clause 8, namely,—

"Provided that notwithstanding the provisions of this Order or the conditions governing the acquisition of any category of iron or steel, the Controller may, by a written order, require any person holding stocks of iron or steel either to release by way of loan or sell the whole or any part of the stock to such person or class of persons and on such terms and conditions as may be specified in the Order.

In the exercise of the powers conferred by the proviso, the Controller may have regard to the following matters, namely :—

(*a*) The requirements of the persons holding such stocks ;
(*b*) the requirements of the persons needing such stocks ;
(*c*) transport facilities available ; and
(*d*) any other factor including a strike or lock-out affecting production or fabrication."

N. R. REDDY,
Under Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATIONS.

Order No. L.D. 144—Legis. 8-52-1, dated Bangalore, 9th April 1952.

Ordered that the Mysore Legislature (Prevention of Disqualification) (Amendment) Act, 1952, which received the assent of His Highness the Maharaja, on the 30th day of March 1952, be published as Mysore Act No. XII of 1952, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department

MYSORE ACT No. XII OF 1952.

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) (AMENDMENT) ACT, 1952.

Received the assent of His Highness the Maharaja on the Thirtieth Day of March 1952.

n Act further to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951.

Preamble.

WHEREAS it is expedient further to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951,

(Mysore Act XXV of 1951), for the purpose hereinaft appearing ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Legislature (P vention of Disqualification) (Amendment) Act, 1952.

Amendment of Schedule to Mysore Act No. XXV of 1951.

2. In the Schedule to the Mysore Legislature (Prev tion of Disqualification) Act, 1951, for item 2 the followi item shall be substituted, namely :—

"2. Chairman, Director or Member of any Committ Board or Council appointed by the Governme of India or by the Government of Mysore or the Government of any other State specified the First Schedule to the Constitution of Indi

Repeal of Mysore Ordinance IV of 1951.

3. The Mysore Legislature (Prevention of Disqual cation) (Second Amendment) Ordinance, 1951, is here repealed.

Reg. No. M. 1175.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 87] BANGALORE, THURSDAY, APRIL 24, 1952. [No. 17

PART IV.

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2376—Legis. 4-51-118, Bangalore, dated 19th March 1952.

Ordered that the Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act No. XXX of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 15th March 1952, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW. 865

Received Assent on 14th March 1952.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT 1952 (XXX OF 1952).

AN

ACT

to provide for the requistioning and acquisition of immovable property for the purposes of the Union.

BE it enacted by Parliament as follows :—

1. *Short title, extent and duration.*—(1) This Act may be called the Requisitioning and Acquisition of Immovable Property Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall remain in force for a period of six years from the date of the commencement of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requiries,—

(*a*) "award" means any award of an arbitrator made under section 8;

(*b*) "competent authority" means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(*c*) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account, or on account or on behalf or for the benefit, of any other person or as a trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant;

(*d*) the expression "person interested", in relation to any property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Act;

(*e*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of a building;

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "property" means immovable property of every kind and includes any rights in or over such property;

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(*h*) "tenant" means any person by whom or on whose account rent is payable for any premises and includes such sub-tenants and other persons as have derived title under the tenant under any law for the time being in force.

3. *Power to requisition immovable property.*—(1) Where the competent authority is of opinion that any property is needed or likely to be needed for any public purpose, being a purpose of the Union, and that the property should be requisitioned, the competent authority—

(*a*) shall call upon the owner or any other person who may be in possession of the property by notice in writing (specifying therein the purpose of the requisition) to show cause, within fifteen days of the date of the service of such notice on him, why the property should not be requisitioned; and

(*b*) may, by order, direct that neither the owner of the property nor any other person shall, without permission of the competent authority, dispose of, or structurally alter, the property or let it out to a tenant until the expiry of such period, not exceeding two months as may be specified in the order.

(2) If, after considering the cause, if any, shown by any person interested in the property or in possession thereof, the competent authority is satisfied that it is necessary or expedient so to do, it may, by order in writing, requisition the property and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no property or part thereof—

(*a*) which is *bona fide* used by the owner thereof as the residence of himself or his family, or

(*b*) which is exclusively used either for religious worship by the public or as a school, hospital, public library or an orphanage or for the purpose of accommodation of persons connected with the management of such place of worship or such school, hospital, library or orphanage, shall be requisitioned:

Provided further that where the requisitioned property consists of premises which are being used as a residence by a tenant for not less than two months immediately preceding the date of the service of notice under sub-section (1), the competent authority shall provide such tenant with alternative accommodation which, in its opinion, is suitable.

4. *Power to take possession of requisitioned property.*—(1) where any property has been requisitioned under section 3, the competent authority may, by notice in writing, order the owner as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may take possession of the property and may, for that purpose, use such force as may be necessary.

5. *Rights over requisitioned property.*—(1) All property requisitioned under section 3, shall be used for such purposes as may be mentioned in the notice of requisition.

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(2) Where any premises are requisitioned under section 3, the competent authority may order the landlord to execute such repairs as may be necessary and are usually made by landlords in that locality and as may be specified in the notice, within such reasonable time as may be mentioned therein, and if the landlord fails to execute any repairs in pursuance of such order, the competent authority may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

6. *Release from requisitioning.*—(1) The Central Government may at any time release from requisition any property requisitioned under this Act and shall, as far as possible, restore the property in as good a condition as it was when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force :

Provided that where the purposes for which any requisitioned property was being used cease to exist, the Central Government shall, unless the property is acquired under section 7, release that property, as soon as may be, from requisition.

(2) Where any property is to be released from requisition, the competent authority may, after such inquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given and such possession shall, as far as practicable, be given to the person from whom possession was taken at the time of the requisition or to the successors-in-interest of such person.

(3) The delivery of possession of the property to the person specified in an order under sub-section (2) shall be a full discharge of the Central Government from all liability in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given.

(4) Where any person to whom possession of any requisitioned property is to be given is not found and has no agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the Official Gazette.

(5) When a notice referred to in sub-section (4) is published in the Official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof and the Central Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

(6) Where any property requisitioned under this Act or any material part thereof is wholly destroyed ot rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake, tempest, flood or violenoe of any army or of a mob or other irresistible force, tha reqnisition shall at the option of the Central Government, be void :

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Provided that the benefit of this sub-section shall not be available to the Central Government where the injury to such property is caused by any wrongful act or default of that Government.

7. *Power to acquire requisitioned property.*—(1) Where any property is subject to requisition, the Central Government may, if it is of opinion that it is necessary to acquire the property for a public purpose, at any time acquire such property by publishing in the Official Gazette a notice to the effect that the Central Government has decided to acquire the property in pursuance of this section :

Provided that before issuing such notice, the Central Government shall call upon the owner of, or any other person who, in the opinion of the Central Government, may be interested in, such property to show cause why the property should not be acquired ; and after considering the cause, if any, shown by any person interested in the property and after giving the parties an opportunity of being heard, the Central Government may pass such orders as it deems fit.

(2) When a notice as aforesaid is published in the Official Gazette the requisitioned property shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the Central Government free from all encumbrances and the period of requisition of such property shall end.

(3) No property shall be acquired under this section except in the following circumstances, namely :—

(*a*) where any works have, during the period of requisition, been constructed on, in or over, the property wholly or partially at the expense of the Central Government and the Government decides that the value of, or the right to use, such works should be secured or preserved for the purposes of Government ; or

(*b*) where the cost of restoring the property to its condition at the time of its requisition would, in the determination of the Central Government, be excessive and the owner declines to accept release from requisition of the property without payment of compensation for so restoring the property.

(4) Any decision or determination of the Central Government under sub-section (3) shall be final and shall not be called in question in any court.

(5) For the purposes of clause (*a*) of sub-section (3) "works" includes buildings, structures and improvements of every description.

8. *Principles and method of determining compensation.*—(1) Where any property is requisitioned or acquired under this Act, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(*b*) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a Judge of a High Court ;

(*c*) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned or acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose ;

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(*d*) at the commencement of the proceedings before the arbitartor, the Central Government and the person to be compensated shall state what in their respective opinion is a fair amount of compensation;

(*e*) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid; and in making the award, he shall have regard to the circumstances of each case and the provisions of sub-sections (2) and (3), so far as they are applicable;

(*f*) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;

(*g*) nothing in the Arbitration Act, 1940 (X of 1940), shall apply to arbitrations under this section.

(2) The amount of compensation payable for the requisitioning of any property shall consist of—

(*a*) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period; and

(*b*) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely:—

(i) pecuniary loss due to requisitioning;

(ii) expenses on account of vacating the requisitioned premises;

(iii) expenses on account of re-occupying the premises upon release from requisition; and

(iv) damages (other than normal wear and tear) caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(3) The compensation payable for the acquisition of any property under section 7 shall be—

(*a*) the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

(*b*) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition, whichever is less.

9. *Payment of compensation.*—The amount of compensation payable under an award shall, subject to any rules made under this Act, be paid by the competent authority to the person or persons entitled thereto in such manner and within such time as may be specified in the award.

10. *Appeals from orders of requisitioning.*—(1) Any person aggrieved by an order of requisition made by the competent authority under sub-section (2) of section 3 may, within twenty-one days from the date of service of the order, prefer an appeal to the Central Government:

Provided that the Central Government may entertain the appeal after the expiry of the said period of twenty-one days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Central Government may, after calling for a report from the competent authority and giving an opportunity to the parties of being heard and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the Central Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the Central Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

11. *Appeals from awards in respect of compensation.*—Any person aggrieved by an award of the arbitrator made under section 8 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the requisitioned or acquired property is situate :

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. *Competent authority and arbitrator to have certain powers of civil courts.*—The competent authority and the arbitrator appointed under section 8, while holding an inquiry or, as the case may be, arbitration proceedings under this Act, shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document ;

(*c*) reception of evidence on affidavits.

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commissions for examination of witnesses.

13. *Power to obtain information.*—The Central Government or the competent authority may, with a view to carrying out the purposes of section 3 or section 6, or section 7 or section 8, by order require any person to furnish to such officer, as may be specified in the order, such information in his possession as may be specified relating to any property which is requisitioned or acquired, or intended to be requisitioned or acquired, under this Act.

14. *Power to enter and inspect.*—The competent authority or any officer, empowered in this behalf by such authority by general or special order, may enter and inspect any property for the purposes of determining whether, and if so, in what manner, an order under this Act should be made in relation to such property or with a view to securing compliance with an order made under this Act.

15. *Service of notice and orders.*—(1) Subject to the provisions of this section and any rules that may be made under this Act, every notice or order issued or made under this Act shall—

(*a*) in the case of any notice or order of a general nature of affecting a class of persons, be published in the Official Gazette ; and

(*b*) in the case of any notice or order affecting an individual corporation or firm, be served in the manner provided for the service of

summons in Rule 2 of Order XXIX or Rule of 3 of Order XXX. as the case may be. in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908); and :

(c) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person—

(i) by delivering or tendering it to that person; or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such person or any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or failing service by these means,

(iii) by post.

(2) Where the ownership of the property is in dispute or where the persons interested in the property are not readily traceable and the notice or order cannot be served without undue delay, the notice or order may be served by publishing it in the Official Gazette, and where possible, by affixing a copy thereof on any conspicuous part of the property to which it relates.

16. *Easement not to be disturbed.*—No person interested in any property requisitioned or acquired under this Act shall, without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requirement, wilfully disturb any convenience or easement attached to such property or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the property.

17. *Delegation of powers.*—(1) The Central Government may, by notification in the official Gazette, direct that the powers exercisable by it by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to that Government or the State Government.

(2) All notifications issued under sub-section (1) shall be laid, as soon as may be, before Parliament.

18. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

19. *Bar of jurisdiction of civil courts.*—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the competent authority or arbitrator is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

20. *Penalty for offences.*—Whoever contravenes any provision of this Act, or any rule made thereunder, or any order made or direction given

under this Act, or obstructs the lawful exercise of any power conferred by or under this Act, shall be punishable with fine which may extend to one thousand rupees.

21. *Certain persons to be public servants.*—The competent authority every arbitrator and every officer empowered by the Central Government or the competent authority, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

22. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality ot the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the procedure to be followed by the competent authority in making inquiries under section 3 or section 6;

(*b*) the procedure to be followed in arbitration proceedings and appeals under this Act;

(*c*) the principles to be followed in determining the amount of compensation and method of payment of such compensation;

(*d*) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal under this Act;

(*e*) the manner of service of notices and orders;

(*f*) any other matter which has to be, or may be, prescribed.

(3) All rules made under the provisions of this Act shall be laid, as soon as may be, before Parliament.

23. *Validation of certain requisitions and acquisitions.*—(1) All immoveable property which purports to have been requisitioned by a State Government for any public purpose, being a purpose of the Union, under any Provincial or State Act and which, immediately before the 25th day of January, 1952, was used or occupied by the Central Government or by an officer or authority subordinate to that Government shall, as from that date, be deemed to be property duly requisitioned under section 3 of this Act, and every such requisition shall, notwithstanding any judgment, decree or order of any court, be deemed always to have been valid as if this Act had been in force on and from the date of the requisition and the requisition had been duly made by a competent authority under this Act, and all the provisions of this Act shall apply accordingly :

Provided that all agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the 25th day of January, 1952, and in force immediately before that date shall be valid and shall be deemed always to have been valid and shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after that date.

(2) Every acquisition of immoveable property purporting to have been made before the commencement of this Act by a State Government for any public purpose, being a purpose of the Union, under any enactment for the time being in force in that State and which, immediately before such commencement, was used or occupied by the Central Government or by an officer or authority subordinate to that Government shall, notwithstanding any defect in, or invalidity of, the enactment or order under which the

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acquisition was made, be deemed for all purposes to have been validly made as if the provisions of the said enactment or order had been included and enacted in this section and this section had been in force on and from the date of the acquisition.

Repeals and savings.—(1) The Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), the Delhi Premises (Requisition and Eviction) Act, 1947 (XLIX of 1947) and the Requisitioning and Acquisition of Immoveable Property Ordinance, 1952 (III of 1952) are hereby repealied

For the removal of doubts, it is hereby declared that any property which immediately before such repeal was subject to requisition under the provisions of either of the said Acts or the said Ordinance shall, on the commencement of this Act, be deemed to be property requisioned under section 3 of this Act, and all the provisions of this Act shall apply accordingly:

Provided that—

(*a*) all agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after such commencement;

(*b*) anything done or any action taken (including any orders, notifications or rules made or issued) in exercise of the powers conferred by or under either of the said Acts or the said Ordinance shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

25. *Amendment of Act XXVII of* 1950.—The following amendments shall be made in the Government Premises (Eviction) Act, 1950, namely:—

(1) In sub-section (2) of section 1, for the words "the States of Jammu and Kashmir and Delhi", the words "the State of Jammu and Kashmir" shall be substituted.

(2) For clause (*b*) of section 2, the following clause shall be substituted, namely:—

"(*b*) 'Government premises' means any premises or land belonging to, or taken or lease or requisitioned by; the Central Government or requisitioned by the competent authority under the Requisitioning and Acquisition of Immoveable Property Act, 1952, and, in relation to the State of Delhi, includes any premises or land belonging to any municipality in Delhi or any land belonging to the Improvement Trust, Delhi, whether such land is in the possession of, or leased out by, the Improvement Trust.

(3) In section 3, for the words "the premises" wherever they occur, the words "the Government premises" shall be substituted.

(4) For section 4, the following section shall be substituted, namely:—

"4. *Power to recover rent or damages in respect of Government premises as arrears of land revenue.*—(1) Subject to any rules

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that may be made in this behalf by the Central Government, by notification in the Official Gazette, any sum due by way of rent in respect of any Government premises which is in arrear may be recovered by the competent authority from the person liable to pay same in the same manner as an arrear of land revenue.

(2) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the Government premises as it thinks fit and may, by notice served by post or in such other manner, as may be prescribed by rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay the damage within the time specified in the notice under sub-section (2), the damages may be recovered in the same manner as an arrear of land revenue."

(5) In sub-section (2) of section 10—

(i) after clause (*b*), the following clause shall be inserted, namely :—

"(*bb*) the circumstances under which rent in respect of Government premises may be recovered as an arrear of land revenue;";

(ii) to clause (*c*), the words "and the matters which may be taken into account in assessing such damages" shall be inserted;

(iii) after clause (*c*), the following clause shall be inserted, namely :—

"(*cc*) the manner of service of any notice under this Act;".

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION. 875

No. L.D. 2400—Legis. 4-51-126, dated Bangalore, 25th March 1952.

Ordered that the Indian Standards Institution (Certification Marks) Act, 1952 (Central Act No. XXXVI of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 21st March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA. 876

MINISTRY OF LAW.

(Received assent on 21st March 1952.)

THE INDIAN STANDARDS INSTITUTION (CERTIFICATION MARKS) ACT, 1952 (XXXVI of 1952).

AN

ACT

to provide for the standardisation and marking of goods.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Indian Standards Institution (Certification Marks) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "article" means (as respects standardisation and marking) any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured;

(*b*) "covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;

(*c*) "Indian Standard" means the standard (including any tentative or provisional standard) established and published by the Indian Standards Institution, in relation to any article or process, indicative of the quality and specification of such article or process;

(*d*) "Inspector" means an Inspector appointed under Section 8;

(*e*) "Institution" means the Indian Standards Institution set up under the Resolution of the Government of India in the late Department of Industries and Supplies No. 1 Std. (4)/45, dated the 3rd day of September, 1946, and registered under the Societies Registration Act, 1860 (XXI of 1860);

(*f*) "licence" means a licence granted under this Act to use the Indian Standards Institution Certification Mark in relation to any article or process which conforms to the Indian Standard;

(*g*) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

(*h*) "prescribed" means prescribed by rules or regulations made under this Act;

(*i*) "process" includes any practice, treatment and mode of manufacture of any article;

(*j*) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

(*k*) "specification" means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or other characteristics to distinguish it from any other article or process;

(*l*) "Standard Mark" means the Indian Standards Institution Certification Mark specified by the Indian Standards Institution to represent a particular Indian Standard;

(*m*) "trade mark" means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person;

(*n*) an article is said to be marked with a Standard Mark if the article itself is marked with a Standard Mark or any covering containing, or label attached to, such article is so marked.

3. *Powers and duties of the Institution.*—The Institution may exercise such powers and perform such duties as may be assigned to it by or under this Act, and, in particular, such powers include power to—

(*a*) establish and publish, in such manner as may be prescribed, the Indian Standard in relation to any article or process;

(*b*) specify a Standard Mark to be called the Indian Standard Institution Certification Mark, which shall be of such design and contain such particulars as may be prescribed to represent a particular Indian Standard;

(*c*) grant, renew, suspend or cancel, in such manner as may be prescribed, a licence for the use of the Standard Mark;

(*d*) levy such fees for the grant or renewal of any licence as may be prescribed;

(*e*) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without licence;

(*f*) do such other acts as may be prescribed.

4. *Authentication of orders and other instruments of the Institution.*—All orders and decisions of, and all other instruments issued by, the Institution shall be authenticated by the signature of such officer or officers as may be authorised by the Institution in this behalf.

5. *Prohibition of improper use of Standard Mark.*—(1) No person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a licence granted under this Act.

(2) No person shall, notwithstanding that he has been granted a licence, use in relation to any article or process the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Indian Standard.

6. *Prohibition of use of certain names, etc.*—No person shall, except in such cases and under such conditions as may be prescribed, use without the previous permission of the Institution,—

(*a*) any name which so nearly resembles the name of the Indian Standards Institution as to deceive or likely to deceive the public or which contains the expression "Indian Standard" or any abbreviation thereof; or

(*b*) any mark or trade mark in relation to any article or process containing the expressions "Indian Standard" or "Indian Standard specification" or any abbreviation of such expressions.

7. *Prohibition of registration in certain cases.*—(1) Notwithstanding anything contained in any law for the time being in force, no registering authority shall—

(*a*) register any company, firm or other body of persons which bears any name, or

(*b*) register a trade mark or design which bears any name or mark, or

(*c*) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of Section 5 or Section 6.

(2) If any question arises before a registering authority whether the use of any name or mark is in contravention of Section 5 or Section 6, the registering authority may refer the question to the Central Government, whose decision thereon shall be final.

8. *Inspectors.*—(1) The Institution may appoint as many Inspectors as may be necessary for the purpose of inspecting whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without licence, and for the purpose of performing such other functions as may be assigned to them.

(2) Subject to any rules made under this Act, an Inspector shall have power to—

(*a*) inspect any operation carried on in connection with any article or process in relation to which the Standard Mark has been used;

(*b*) take samples of any article, or of any material or substance used in any article or process, in relation to which the Standard Mark has been used;

(*c*) exercise such other powers as may be prescribed.

(3) Every Inspector shall be furnished by the Institution with a certificate of appointment as an Inspector, and the certificate shall, on demand, be produced by the Inspector.

9. *Power to obtain information, etc.*—Every licensee shall supply the Institution with such information, and with such samples of any material or substance used in relation to any article or process, as the Institution may require.

10. *Power to authorise the competent authority.*—(1) The Central Government may, in consultation with the Institution, by notification in the Official Gazette, direct that any power exercisable by the Institution by or under this Act shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such

authority or such organisation as may be specified in the notification (hereinafter referred to as the 'competent authority').

(2) For avoidance of doubts, it is hereby declared that the Central Government may, by a like notification, withdraw the powers delegated to a competent authority under sub-section (1).

11. *Appeals.*—(1) Any person aggrieved by an order passed under clause (c) of Section 3, whether by the Institution or by a competent authority, may prefer an appeal to the Central Government.

(2) The appeal shall be presented in such form and manner and within such time as may be prescribed.

(3) The Central Government shall, in dealing with appeals under this section, follow such procedure as may be prescribed.

12. *Certain matters to be kept confidential.*—Any information obtained by an Inspector, competent authority, or the Institution from any statement made or information supplied or in any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act.

13. *Penalty for improper use of Standard Marks, etc.*—(1) Any person who contravenes the provisions of Section 5 or Section 6 shall be punishable with fine which may extend to ten thousand rupees.

(2) Any court trying a contravention under sub-section (1) may direct that any property in respect of which the contravention has taken place shall be forfeited to the Government.

14. *Penalty for other offences.*—Whoever contravenes any of the provisions of this Act or of any rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one thousand rupees.

15. *Cognizance of offences by courts.*—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Government or the Institution or by an officer empowered in this behalf by the Government or the Institution.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class specially empowered in this behalf shall try any offence punishable under this Act.

16. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Institution or any person acting under the authority of the Central Government or the Institution for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

17. *Act not to affect the operation of certain Acts.*—Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) or the Drugs Act, 1940 (XXIII of 1940).

18. *Savings.*—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

19. *Directions by the Central Government.*—(1) The Central Government may, if satisfied that the public interest so requires, by order in writing for reasons to be stated therein, give to the Institution general instructions to be followed by the Institution and such instructions may, notwithstanding

anything contained in the Societies Registration Act, 1860 (XXI of 1860), include directions to make or amend any bye-law relating to the composition of the Governing Body or other Committees of the Institution and its powers and functions in such form and within such period as may be specified in the order.

(2) In the exercise of its powers and performance of its duties, the Institution shall not depart from any general instructions issued under sub-section (1).

Explanation.—In this section, the expression "bye-law" includes all rules, or regulations (by whatever name called) which the Institution is competent to make in the exercise of the powers conferred on it under the Societies Registration Act, 1860.

20. *Power to make rules.*—(1) The Central Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the procedure and manner in which the Indian Standard, in relation to any article or process, may be established and published ;

(*b*) the design of the Standard Mark in relation to each Indian Standard and the particulars which a Standard Mark may contain ;

(*c*) authorisation of competent authority under Section 10 ;

(*d*) the manner in which, and the conditions subject to which, a licence to use the Standard Mark may be granted, renewed, suspended or cancelled ;

(*e*) the levy of fees for the grant or renewal of any licence ;

(*f*) the mode of inspection by the Institution and the manner in which samples may be taken by it ;

(*g*) the powers and functions of the Institution ;

(*h*) the cases in which, and the circumstances under which, exemption may be granted from the prohibition contained in Section 6 ;

(*i*) the powers of Inspectors ;

(*j*) the form and manner in which and the time within which appeals may be preferred ; the procedure to be followed in hearing appeals ;

(*k*) the forms to be used under this Act ;

(*l*) any other matter which has to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

21. *Power to make regulations.*—(1) The Institution may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters specified in clauses (*a*), (*b*) and (*f*) of sub-section (2) of Section 20.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION.

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No. L.D. 2401—Legis. 4-51-127, dated Bangalore, 25th March 1952.

Ordered that the Cinematograph Act, 1952 (Central Act, No. XXXVII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 21st March 1952, be republished in the *Mysore Gazette*, for general information.

By order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA 882

MINISTRY OF LAW.

Received assent on 21st March 1952.

THE CINEMATOGRAPH ACT, 1952.

(XXXVII of 1952).

AN

ACT.

to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

BE it enacted by Parliament as follows :—

PART I

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Cinematograph Act, 1952.

(2) Parts I, II and IV extend to the whole of India except the State of Jammu and Kashmir and Part III extends to Part C States only.

(3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unles the context otherwise requires—

(*a*) "adult" means a person who has completed his eighteenth year;

(*b*) "Board" means the Board of Film Censors constituted by the Central Government under Section 3;

(*c*) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(*d*) "district magistrate", in relation to a presidency-town, means the commissioner of police;

(*e*) "place" includes a house, building, tent and any description of transport, whether by sea, land or air;

(*f*) "prescribed" means prescribed by rules made under this Act.

PART II.

CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION.

3. *Board of Film Censors.*—The Central Government may, by notification in the Official Gazette, constitute a Board of Film Censors, consisting of such number of persons as may be prescribed, for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults and prescribe the manner in which the Board shall exercise the powers conferred on it by this Act.

4. *Certification of films.*—(1) If the Board, after examination, considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition it is suitable for public exhibition restricted

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to adults, it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case, and shall, in either case, cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout India.

(2) If the Board is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

5. *Appeals.*—(1) Any person applying for a certificate, who is aggrieved by the dicision of the Board—

(*a*) refusing to grant a certificate, or

(*b*) granting only an "A" certificate,

may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary, pass such orders thereon as it thinks fit.

(2) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the Official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of India.

(3) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition of any film before any authority specified in this behalf and call for the report of such authority thereon.

(4) Nothing in this section shall prevent the Central Government from calling at any time for the record of any proceeding of the Board relating to the refusal to grant, or the grant of, any certificate and in which no appeal has been preferred and to make such order in the case as to the Central Government may seem fit.

6. *Power of Central Government to modify orders under section* 4 *or section* 5.—Notwithstanding anything contained in this Part, the Central Government may, of its own motion by notification in the Official Gazette, direct that—

(*a*) a certified film shall be deemed to be an uncertified film in the whole or any part of India, or

(*b*) a film in respect of which a "U" certificate has been granted, shall be deemed to be a film in respect of which an "A" certificate has been granted:

Provided that before notification of such direction the person to whom the certificate was issued shall be given a fortnight's notice to show cause as to why such a direction be not notified.

7. *Penalties for contraventions of this Part.*—(1) If any person exhibits, or permits to be exhibited in any place,—

(*a*) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which when exhibited displays the prescribed mark of the Board and has not been altered or tampared with in any way since such mark was affixed thereto, or

(*b*) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

he shall be punishable with fine which may extend to one thousand rupees,

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and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film, in respect of which an "A" certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(*a*) the number of persons who may constitute the Board and the manner in which the Board may exercise its powers, including the delegation of any of the powers of the Board to such person or persons as the Board may nominate in that behalf;

(*b*) the procedure of the Board for examining and certifying films as suitable for public exhibition and all matters ancillary thereto and the fees that may be levied by the Board;

(*c*) the appointment of officers subordinate to the Board and the regulation of the terms and conditions of service and the powers and duties of such officers;

(*d*) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any certificate may be granted, or the circumstances in which any certificate shall be refused;

(*e*) the manner in which an appeal under this Part may be preferred;

(*f*) any other matter which by this Act is to be prescribed.

(3) All rules made by the Central Government under this Part shall be laid before Parliament as soon as may be after they are made.

9. *Power to exempt.*—The Central Government may, by order in writing exempt, subject to such conditions and restrictions, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this Part or of any rules made thereunder.

PART III.

Regulation of Exhibitions by means of Cinematographs.

10. *Cinematograph exhibitions to be licensed.*—Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such licence.

11. *Licensing authority.*—The authority having power to grant licences under this Part (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of a Part C State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.

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12. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that—

(*a*) the rules made under this Part have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the license is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licenses under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Goverment or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

13. *Power of Central Government or local authority to suspend exhibition of films in certain cases.*—(1) The Lieutenant-Governor or, as the case may be, the Chief Commissioner, in respect of the whole Part C State or any part thereof, and the district magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a district magistrate, as the case may be, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

14. *Penalties for contravention of this Part.*—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

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15. *Power to revoke licence.*—Where the holder of a licence has been convicted of an offence under section 7 or section 14, the licence may be revoked by the licensing authority.

16. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules—

(*a*) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Part;

(*b*) providing for the regulation of cinematograph exhibitions for securing the public safety;

(*c*) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 12 may be preferred.

17. *Power to exempt.*—The Central Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Part or of any rules made thereunder.

PART IV.

REPEAL.

18. *Repeal.*—The Cinematograph Act, 1918 (II of 1918), is hereby repealed:

Provided that in relation to Part A States and Part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of cinematograph films for exhibition.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 887

No. L D. 2344—Legis. 4-51-107, dated Bangalore, 12th March 1952.

Ordered that the Appropriation (Railways) Vote on Account Act, 1952 (Central Act No. XXI of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 6th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY FOR LAW. 888

Received assent on 6th March 1952.

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 1952 (XXI of 1952)

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1952.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) Vote on Account Act, 1952.

2. Withdrawal of Rs. 94,93,60,000 from and out of the Consolidated Fund of India for the year 1952-53.—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ninety-four crores, ninety-three lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April, 1952.

3. Appropriation.—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year beginning on the 1st day of April, 1952.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
1	Railway Board	11,00,000	...	11,00,000
2	Audit	11,64,000	...	11,64,000
3	Miscellaneous Expenditure	23,79,000	...	23,79,000
4	Working Expenses—Administration ...	8,55,54,000	...	8,55,54,000
5	Do Repairs and Maintenance ...	21,40,64,000	...	21,40,64,000
6	Do Operating Staff ...	13,68,72,000	...	13,68,72,000
7	Do Operation (Fuel) ...	11,33,12,000	...	11,33,12,000
8	Do Operation other than Staff and Fuel.	4,71,11,000	...	4,71,11,000
9	Working Expenses—Miscellaneous Expenses ...	6,59,34,000	...	6,59,34,000
9A.	Do Labour Welfare ...	1,28,20,000	...	1,28,20,000
10	Payments to Indian States and Companies ...	10,52,000	...	10,52,000
12A.	Open Line Works (Revenue) Labour Welfare ...	50,84,000	...	50,84,000
12B.	Do do other than Labour Welfare.	1,31,86,000	...	1,31,86,000
15	Construction of New Lines	17,14,000	...	17,14,000
16	Open Line Works—Additions	4,36,78,000	...	4,36,78,000
17	Do Replacements	16,90,51,000	...	16,90,51,000
18	Do Development Fund ...	3,46,68,000	...	3,46,68,000
19	Capital Outlay on Vizagapatam Port ...	6,17,000	...	6,17,000
	Total ...	94,93,60,000	...	94,93,60,000

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 889

No. L.D. 2346—Legis. 4-51-112, Bangalore, dated 12th March 1952.

Ordered that the Indian Tariff (Amendment) Act, 1952 (Central Act No. XXVII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 7th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW. 890

Received Assent on 7th March 1952.

THE INDIAN TARIFF AMENDMENT ACT, 1952 (XXVII of 1952).

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Indian Tariff (Amendment) Act, 1952.

(2) The provisions of clause (*v*) of section 2 [relating to Item No. 63(34)] shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint ; but the remaining provisions shall come into force at once.

2. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the Indian Tariff Act, 1934,—

(*i*) in Items Nos. 21 (3), 28 (15), 28 (18), 28 (20), 40 (4), 40 (5), 50 (3), 63 (30), 63 (35), 64, 64 (3), 64 (4), 65, 67, 67 (1), 67 (2), 68, 68 (2), 69 (2), 70, 70 (1), 70 (4), 70 (5), 70 (6), 70 (9), 71 (8), 72 (12) and 73 (7), in the last column headed " Duration of protective rates of duty ", for the word, figures and letters " December, 31st 1951," wherever they occur, the word figures and letters " December 31st, 1952 " shall be substituted ;

(*ii*) after Item No. 28 (31), the following Item shall be inserted, namely :—

" 28 (32)	Hydroquinone— (*a*) of British manufacture	Protective ...	26 per cent *ad valorem*.	...	...	December 31st, 1953.
	(*b*) not of British manufacture :	Do ...	Preferential rate of duty actually charged for the time being for such products of British manufacture *plus* ten per cent *ad valorem*.	...	...	December 31st, 1953 ";
	Provided that Hydroquinone manufactured in a British colony shall be deemed to be of British manufacture.	.....	.....	...	..	.....

(*iii*) in Item No. 63 (12), in the entry in the second column, after the words " excluding fish bolts and nuts ", the words " and machine screws " shall be inserted.

(*iv*) for Item No. 63 (33), the following Item shall be substituted, namely :—

" 63 (33)	Iron or steel screws— (*a*) wood-screws ...	Protective ...	30 per cent *ad valorem*.	...	...	December 31st, 1954.
	(*b*) machine screws ...	Do ...	30 per cent *ad valorem*.	...	...	December 31st, 1954.";

(v) for Item No. 63 (34), the following Item shall be substituted, namely :—

63 (34)	Iron or steel hoops—					
	(a) Jute baling hoops—					
	(i) of British manufacture.	Protective ...	30 per cent *ad valorem*.	...	...	December 31st 1952.
	(ii) not of British manufacture.	Do ...	40 per cent *ad valorem*.	...	...	December 31st 1952.
	(b) Cotton baling hoops—					
	(i) of British manufacture.	Do ...	30 per cent *ad valorem*.	...	...	December 31st 1952.
	(ii) not of British manufacture.	Do ...	40 per cent *ad valorem*.	...	...	December 31st 1952";

(vi) in Item No. 73 (15)—

(a) in the fourth column headed "Standard rate of duty" for the words "six per cent.", the words "three per cent." shall be substituted ;

(b) in the last column headed "Duration of protective rates of duty" for the word, figures and letters "December 31st, 1951" wherever they occur, the word, figures and letters "December 31st, 1952", shall be substituted ;

(vii) after item No. 73 (16), the following Item shall be inserted, namely :—

"73 (17)	Electric brass lamp holders, excluding miniature brass lamp holders adapted for use in automobiles—					
	(a) of British manufacture.	Protective ...	20 per cent *ad valorem*.	...	...	December 31st 1953.
	(b) not of British manufacture.	Do ...	30 per cent *ad valorem*.	...	...	December 31st 1953."

K. V. K. SUNDARAM,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

NOTIFICATION. 892

No. L.D. 2081—Legis. 11-51-10, dated Bangalore, 14th February 1952.

Ordered that the Constitution (Removal of Difficulties) Order No. II (Fourth Amendment) Order, (C. O. 36) published in the *Gazette of India*, Part II, Section 3, dated the 30th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 30th January, 1952.

S.R.O. 210.—The following Order made by the President is published for general information :—

C.O. 36.

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II (FOURTH AMENDMENT) ORDER.

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely,—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. II (Fourth Amendment) Order.

(2) It shall come into force at once.

2. In Part II of the Schedule to the Constitution (Removal of Difficulties) Order No. II in the list of adaptations relating to article 238,—

(a) after the third adaptation (which directs the insertion of a new clause (7a) in the said article), the following further adaptation shall be inserted, namely :—

" After clause (8), insert :—

'(8a) In sub-clause (b) of clause (3) of article 190, after the words " as the case may be", the words " or, if there is no such officer, to the Rajpramukh," shall be inserted." and

(b) in the fourth adaptation, in clause (1) of the new article 212A, for the figures " 174 " the figures " 175 " shall be substituted, and for the words, figures and brackets " and articles 203 to 212 (both inclusive)", the words, figures and brackets " articles 203 to 207 (both inclusive) and articles 209 to 212 (both inclusive)" shall be substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1801—Legis. 6-51-48, dated Bangalore, 5th January 1952.

Ordered that Notification No. S.R.O. 1948, dated the 1st December 1951, of the Ministry of Food and Agriculture published in the *Gazette of India*, Part II, Section 3, dated the 8th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 1st December 1951.

S.R.O. 1948.—*Corrigendum.*—In this Ministry notifications No. F4-5—50-Mkt, dated the 7th September, 1951 and 20th October, 1951 for the words and figures "Bristles Grading and Marking Rules, 1951" the following may be substituted :—

" Bristles Grading and Marking Rules, 1950".

[No. F. 4-5/50-Mkt.]

A. G. MENON, *Dy. Secy.*

NOTIFICATION. 894

No. L.D. 1802—Legis. 5-51-91, dated Bangalore, 5th January 1952.

Ordered that Notification No. S.R.O. 1947, dated 28th November 1951 of the Ministry of Food and Agriculture amending the Fruit Products Control Order, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 8th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

AGRICULTURE.

New Delhi, the 28th November, 1951.

S.R.O. 1947.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that with effect from the 1st January, 1952, the following further amendments shall be made in the Fruit Products Order, 1948, namely.—

In the said Order :—

1. For sub-clause (e) of clause 2, the following sub-clause shall be substituted, namely :—

"(e) 'Licencing Officer' means the Agricultural Marketing Adviser to the Government of India and includes any officer authorised by him to perform all or any of the functions of the licencing officer under the Order;".

2. For clause 3, the following shall be substituted, namely :—

"3. The licencing officer shall constitute for each State an Advisory Committee for the purposes of this Order consisting of one Scientist nominated by the licencing officer who shall be the Chairman, one person nominated by the State Government representing the consumers of the State and one person elected by the licence holders of the State in the manner specified by the licencing officer. The Chairman shall be the Convener".

3. For sub-clauses (1) and (2) of clause 5 the following sub-clauses shall be substituted, namely :—

"(1) Every application for a licence in Form A shall be submitted to the licencing officer in duplicate in Form B and shall be accompanied by a sum calculated as provided in sub-clause (2) with reference to the value of the estimated output.

(2) The licence fee shall be a sum calculated at the rate of rupees forty for the first four thousand rupees or part thereof ; and there-after at the rate of rupees five for every five hundred rupees or part thereof based on the value of the estimated output during the period of validity of the licence. In case the actual production exceeds the estimated production the licensee shall pay supplementary licence fee at the rate abovementioned for the proudction in excess. The fee once paid will be non-refundable except when the licence is refused or when the actual production falls below the production on which the licence fee is paid. In the latter case the licence fee paid in excess of that due on the actual production alone will be refundable subject to (i) the satisfaction of the licensing officer that the underproduction is due to circumstances beyond the control of the licensee and (ii) the minimum licence fee of rupees forty being paid by the licensee in every case.

Explanation :—For the purpose of this clause the value of actual or estimated output shall take into account the prevailing price for delivery at the factory, inclusive of charges for packing material and manufacturer's profits ".

4. In clause 14—

(a) in sub-clause (c) the words "or cause to be inspected" shall be omitted.

(b) in sub-clause (d) the words "or authorise any person to enter and search" and the words "or authorise any person to seize" shall be omitted.

(c) in sub-clause (e) for the words "State Government" the words "licencing officer" shall be substituted.

5. In clause 16, for the words "State Government" the words "Government" shall be substituted.

6. Note below Form 'B' of Appendix to the Order shall be omitted.

[No. F. 7-2/51-Fr.]

A. G. MENON, *Dy. Secy.*

NOTIFICATION. 896

No. L.D. 1826—Legis. 5-51-92, Dated Bangalore, the 11th January 1952.

Ordered that Notification No. S.R.O.—2065, dated the 19th December 1951 of the Ministry of Home Affairs amending Schedule VIII to Indian Arms Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 29th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 19th December 1951.

S.R.O. 2065.—In exericse of the powers conferred by Sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendment shall be made in the Schedule VIII annexed to the Indian Arms Rules, 1951, namely :—

In Form VII, below the words "Commissioner of Police", wherever they occur, the words 'Chief Secretary to the Government of the Part B States concerned' shall be inserted; and below the words, figures and brackets 'Commissioner of Police [rule 21(2)(a)]' the words, figures and brackets 'Chief Secretary to the Government of the Part B State concerned [rule 21(2)(aa)]', shall be inserted.

[No. 9/26/51-Police(I).]

U. K. GHOSHAL, Dy. Secy.

NOTIFICATION.

897

No. L.B. 1827—Legis. 5-51-93, Dated Bangalore, the 11th January 1952.

Ordered that Notification No. S. R. O. 2069, dated 22nd December 1951 of the Ministry of Finance amending the Taxation on Income (Investigation Commission) Rules, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 29th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

INCOME-TAX.

NOTIFICATION.

New Delhi, the 22nd December 1951.

S.R.O. 2068.—In exercise of the powers conferred by section 10 of the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), the Central Government hereby directs that the following further amendment shall be made in the Taxation on Income (Investigation Commission) Rules, 1948, namely :—

"After sub-rule (2) of rule 9 of the said Rules, the following sub-rule shall be inserted, namely :

"(3) Where any banking Company has in pursuance of a direction of the Commission or the authorized official furnished any statement, copy of a document or certificate to the Commission or the authorized official, the banking company may be paid fees therefor on the following scale namely :—

Searching fees :—

For each year or part of a year in respect of which search is made ... Rs. 3-0-0

Copies :

For each folio or part thereof ... Rs. 3-0-0

Certificate :

For a certificate under section 6 of the Public Books Evidence Act, 1891 ... Rs. 3-0-0

(A folio is a page of not less than 40 lines and not more than 50 lines.)"

[No. 127.]

S. P. LAHIRI, Dy. Secy.

NOTIFICATION.

No. L.D. 2071—Legis. 5-51-101, dated Bangalore, 13th February 1952.

Ordered that Notification No. S.R.O. 139, dated the 18th January 1954 of the Ministry of Labour amending the Industries Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 22nd January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 18th January 1952.

S.R.O. 139.—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendment shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely:—

Amendment.

After rule 21A of the said rules, the following rule shall be inserted, namely:—

"21B. *Fees for copies of awards or other documents of Tribunals.*

(1) Fees for making a copy of an award of a Tribunal or any document filed in any proceeding before a Tribunal shall be charged as follows :—

(a) for the first 200 words or less, 12 annas.

(b) for every additional 100 words or fraction thereof, 6 annas.

(2) For certifiying a copy of any such award or document, a fee of Re. 1 shall be payable.

(3) Copying and certifying fees shall be payable in cash in advance.

(4) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable."

[No. LR. 1 (199).]

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION.

No. L.D. 2072—Legis. 5-51-100, dated Bangalore, 13th February 1952.

Ordered that Notification No. S.R.O. 135, dated the 6th December 1951 of the Ministry of Rehabilitation amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 22nd January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 6th December 1951.

S.R.O. 135.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely:—

"In the said Rules—

(a) In Rule 5, the second paragraph of clause (ii) shall be omitted.

(b) after clause (iii) as so amended, the following clauses shall be inserted, namely:—

"(iii-A). A certificate of identity issued under clause (iii) shall be valid for such period not exceeding three months as may be specified therein:

Provided that in the case of—

(a) employees of corporate bodies or firms who are transferred from their Head Office in India to a branch office in Pakistan; or

(b) students proceeding from India to Pakistan for the purpose of prosecuting their studies in that country;

a certificate of identity shall be valid for such period not exceeding one year as may be specified therein.

(iii-B). The holder of a certificate of identity shall not stay in Pakistan beyond the period stated in the certificate unless the period of stay in Pakistan is extended in writing by the High Commissioner or the Deputy High Commissioner for India in Pakistan on an application made in this behalf at least fourteen days before the expiry of the period of validity of the certificate."

[No. III/PMT (X-1)/51(14).]

V. D. DANTYAGI, Joint Secy.

NOTIFICATION. 904

No. L.D. 2082—Legis. 5-51-103, dated Bangalore, 14th February 1952.

Ordered that Notification No. S.R.O. 1465, dated the 11th September 1951 of the Ministry of Labour amending the Mines Maternity Benefit Rules, 1943, published in the *Gazette of India*, Part II, Section 3, dated the 22nd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 11th September 1951.

S.R.O. 1465.—In exercise of the powers conferred by sections 6 and 15 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government hereby directs that the following amendment shall be made in the Mines Maternity Benefit Rules, 1943, the same having been previously published as required by sub-section (1) of section 15 of the said Act, namely:—

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall be substituted, namely:—

"(2) They extend to the whole of India except the State of Jammu and Kashmir".

[No. M. 41 (21) 51/I]

P. N. SHARMA, Under Secy.

NOTIFICATION.

No. L.D. 157—Legis. 5-52-6, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 478, dated 15th March 1952 of the Ministry of Law—Corrigendum to Provinces and States (Absorption of Enclaves) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 15th March 1952.

S.R.O. 478.—*Corrigendum.*—At pages 443R—443AC of the *Gazette of India Extraordinary*, dated the 25th January, 1950, containing the Ministry of Law Notification publishing S.O. 35, the Provinces and States (Absorption of Enclaves) Order, 1950, the following further corrections shall be made:—

In paragraph VI of the Second Schedule to the Order, on page 443Y, *for* items 1, 2 and 3 *read*:—

"1. The following villages of Madakasira Taluk of Anantapur District:—

Burdakunte, Palayam, Bettur, Kanajanahalli, Bettagaudawahalli, Honnapuram, Kotagerlahalli, Bullasamudram, Bhimanakunta, Sarjammanahalli, Badigondanahalli, Virpugondanahalli, Erragattupalim, Bullasamudram, and

The following villages of Hindupur Taluk of Anantapur District:—

Chowtikuntapalli and Narsapuram.

2. The following villages of Salem District:—

Morasur (Inam), Naginaikanapalli, Agraharam, Madivalam, Adasundathi, Bandapuram, Settipalli, Patheer, Ettakodi, Araleri, Angisettipalli, Karigantbimmanapalli, Upparapalli, Kuntenapalli, Gerigidapalli (Inam), Rayasandiram, Tholasandhoddi, Theerthabundapalli, Tholakanapalli, Byanapalli and Thusandapalli.

3. The following villages of Coondapur Taluk of South Kanara District:—

Hebbige, Nagodi and Koteshirur with their respective hamlets."

902

In paragraph VII of the Second Schedule to the Order, on page 443Y, *for* items 1 and 2 *read*:—

"1. The following areas of Tirunelveli District :—

Anjengo (311.22 acres), Thangasseri (98.80 acres), and Panagudi (15.04 acres).

2. The following areas of Malabar District :—

Theneri (82.58 acres), Vadavanur (63.89 acres), Peruvemba (51.72 acres), Kootallur (4.81 acres), Elapully (34.89 acres), Elavancheri (6.06 acres), Panayur (11.84 acres), and Palathulli (1.62 acres)."

In paragraph I of the Third Schedule to the Order, on page 443AA, *for* items 1 to 4 *read*:—

"1. The following villages of Molkalmuru Taluk, Chitaldrug District :—

Jodi Kasenaikanahalli, Gauripura, Jodi Bommenahalli, Bommagatta, Sarva Inam, Oblapura and Devarabudenahalli.

2. The following villages of Bangarpet Taluk, Kolar District :—

Vardikuppa, Bayapparaddihalli, Jodi Volgalkuppa, Khayamgutta Harakchinnapalli, Hosapete, Gollahalli and Chinnaradoddi.

3. Kaladasapura village of Malur Taluk, Kolar District.

4. Badagalpur village of Chamarajnagar Taluk."

In paragraph VIII of the Third Schedule to the Order, on page 443AC, *for* item 1 *read*:—

"1. The following areas of former Cochin State :—

Isolated bit of Nallepally village (116.33 acres), Isolated bit of Chittoor village (31.99 acres), Thattamangalam village (159.74¼ acres), and Vallanazhi village (51.19 acres)."

B. G. MURDESHWAR, Dy. Secy.

NOTIFICATION. 403

No. L.D. 158—Legis. 5-52-7, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 519, dated the 18th March 1952 of the Ministry of Labour amending the Workmen's Compensation (Transfer of Money) Rules, 1935, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 18th March 1952.

S.R.O. 519.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government hereby makes the following amendment in the Workmen's Compensation (Transfer of Money) Rules, 1935, namely:—

In sub-rule (2) of rule 1 of the said rules for the words "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted.

[No. SS.105(199)/II.]

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION. 904

No. L.D. 159—Legis. 5-52-8, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 520, dated the 18th March 1952 of the Ministry of Labour amending the Workmen's Compensation (Transfer of Money, Burma) Rules, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 18th March 1952.

S.R.O. 520.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government hereby makes the following amendment in the Workmen's Compensation (Transfer of Money, Burma) Rules, 1938, namely:—

In sub-rule (2) of rule 1 of the said Rules for the words "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted.

[No. SS.105(199)/III.]

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION. 905

No. L.D. 160—Legis. 6-52-3, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 486, dated the 19th March 1952 of the Ministry of Finance under the Chartered Accountants Act, 1949, specifying the Regional Constituencies for purposes of election to the Council, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

CHARTERED ACCOUNTANTS.

New Delhi, the 19th March 1952.

S.R.O. 486.—In pursuance of clause (a) of sub-section (2) of section 9 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Central Government hereby specifies the following, five Regional Constituencies for purposes of elections to the Council under the said clause, namely :—

1. The States of Bombay, Saurashtra and Kutch,
2. The States of Madras, Travancore-Cochin, Mysore, Hyderabad and Coorg,
3. The States of West Bengal, Assam, Orissa, Manipur and Tripura,
4. The States of Uttar Pradesh, Bihar, Madhya Pradesh, Bhopal, Rajasthan, Vindhya Pradesh and Madhya Bharat, and
5. The States of Delhi, Punjab, Ajmer, Himachal Pradesh and Patiala and East Punjab States Union.

[No. 73(1)–ICA/52.]

B. K. KAUL, Dy. Secy.

NOTIFICATION. 966

No. L.D. 161—Legis. 6-52-4, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 502, dated the 13th March 1952 of the Ministry of Natural Resources and Scientific Research under the Electricity (Supply) Act, 1948, extending the period referred to in section 1(4) till 31st March 1953, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 13th March 1952.

S.R.O. 502.—In exercise of the powers conferred by the proviso to sub-section (4) of section I of the Electricity (Supply) Act, 1948 (LIV of 1948), and in partial modification of Notification No. E1.II-1 (35), dated the 27th March 1951, of the Government of India in the Ministry of Natural Resources and Scientific Research, the Central Government hereby further extends the period of two years, referred to in the said sub-section upto and including 31st day of March 1953 in the case of all States in respect of which the said period of two years has expired, except the States of Madhya Pradesh and Delhi.

[No. E1.II-1(55).]

A. R. KHANNA, Dy. Secy.

NOTIFICATION. 907

No. L.D. 162—Legis. 6-52-5, Bangalore, dated 10th April 1952.

Ordered that Notification No. S.R.O. 524, dated the 19th March 1952 of the Ministry of Labour fixing the Wages to contract labour employed by the C.P.W.D. in Mysore under the Minimum Wages Act, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 22nd March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 19th March 1952.

S.R.O. 524.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages specified in the Schedule hereto annexed which shall be payable to contract labour employed by the Central Public Works Department in the States of Madhya Bharat and Mysore in connection with building operations, stone breaking or stone crushing, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of publication of this notification.

SCHEDULE.

	All-inclusive minimum rates of wages per day Rs. a. p.
Madhya Bharat (Indore)—	
(1) Mazdoor Man ...	... 1 4 0
(2) „ Woman ...	... 1 0 0
(3) „ Boy above 12 years	... 0 12 0
Mysore (Bangalore)—	
(1) Mazdoor Man ...	... 1 8 0
(2) „ Woman ...	... 1 0 0
(3) „ Boy above 12 years	... 1 0 0

[No. LWI-24(33).]

P. N. SHARMA, Under Secy.

NOTIFICATION. 9108

No. L.S. 250—L.W. 175-51-4, dated Bangalore, 17th April 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial Dispute exists between the Mysore State's Hides and Skin Tanners' Association, Bangalore, and the Tannery Works' Association, Jeevanahalli, Bangalore, in respect of the points of dispute specified below.

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952.

POINTS OF DISPUTE.

(1) Increase of wage rates by two annas (Annas 2) for all employees whether time-rated or piece-rated.

(2) Increase of Dearness Allowance on a par with the rate prevailing in the Industrial establishments in the neighbourhood.

(3) Payment of three months' wages (including Dearness Allowance) "Pongal Bonus".

(4) Grant of casual leave of 15 days (with full wages) and sick leave of 15 to the employees.

(5) Filling up vacancies in accordance with the recommendations of Workers' Association.

(6) Implementation of the Agreement of 1947.

By Order of His Highness the M.....

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Governmen
Law Departm

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